

PART IB

OPERATION OF STATE GOVERNMENT

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

1.1. (SDE: Appropriation Transfer Prohibition) The amounts appropriated herein for aid to subdivisions, allocations to school districts, or special line items shall not be transferred and must be expended in accordance with the intent of the appropriation, except that the department may transfer funds that are deducted and retained from a school district's transportation allocation to reimburse the department for the cost of unauthorized mileage. This transfer must be agreed upon by both the school district and the department. Those funds may be transferred into the department's school bus transportation operating account.

1.2. (SDE: DHEC - Comprehensive Health Assessment) All school districts shall participate, to the fullest extent possible, in the Medicaid program by seeking appropriate reimbursement for services and administration of health and social services. Reimbursements to the school districts shall not be used to supplant funds currently being spent on health and social services.

1.3. (SDE: EFA Formula/Base Student Cost Inflation Factor) To the extent possible within available funds, it is the intent of the General Assembly to provide for one hundred percent of full implementation of the Education Finance Act to include an inflation factor projected by the Revenue and Fiscal Affairs Office to match inflation wages of public school employees in the Southeast. The base student cost for the current fiscal year has been determined to be ~~\$2,425~~ \$2,435. For the current fiscal year, the total pupil count is projected to be ~~721,401~~ 722,947. The average per pupil funding is projected to be ~~\$6,120~~ \$6,232 state, of which ~~\$2,339~~ \$2,392 comes from the EFA, ~~\$1,294~~ \$1,289 federal, and ~~\$5,726~~ \$6,020 local. This is an average total funding level of ~~\$13,140~~ \$13,541 excluding revenues of local bond issues. For the current fiscal year the South Carolina Public Charter School District and any institution of higher education sponsoring a public charter school shall receive and distribute state EFA funds to the charter school as determined by one hundred percent of the current year's base student cost, as funded by the General Assembly multiplied by the weighted students pupils enrolled in the charter school, which must be subject to adjustment for student attendance.

The Revenue and Fiscal Affairs Office, must post in a prominent place on their website for each school district projections, including the per pupil state, federal and local revenues, excluding revenues of local bond issues, for the current fiscal year. Also, as soon as practicable, upon determining the exact numbers regarding pupil count and funding, the Revenue and Fiscal Affairs Office, shall also post on their website the one hundred thirty-five day average daily membership for each school district and per pupil state, federal and local revenues, excluding revenues of local bond issues, based on the most recent audited financial statement as reported annually pursuant to Section 59-17-100. The Department of Education and the Education Oversight Committee shall provide in a prominent place on their internet websites a link to the information posted by the Revenue and Fiscal Affairs Office, including the projected numbers and the exact numbers.

For the current fiscal year, the pupil classification weightings are as follows:

- (1) K-12 pupils or base students including homebound students 1.00

1 Students served in licensed residential treatment facilities (RTFs) for children and adolescents as defined under Section
2 44-7-130 of the 1976 Code shall receive a weighting of 2.10.

3 (2) Weights for students with disabilities as prescribed in Section 59-20-40(1)(c) Special Programs

4 (3) Precareer and Career Technology 1.29

5 (4) Additional weights for personalized instruction:

6 (A) Gifted and Talented 0.15

7 (B) Academic Assistance 0.15

8 (C) Limited English Proficiency 0.20

9 (D) Pupils in Poverty 0.20

10 (E) Dual Credit Enrollment 0.15

11 No local match is required for the additional weightings for personalized instruction in the current school year. Charter school
12 per pupil calculations for locally sponsored charters will continue to be calculated according to Section 59-40-140 of the 1976
13 Code. Students may receive multiple weights for personalized instruction; however, within each weight, students should only be
14 counted once. These weights are defined below:

15 Gifted and talented students are students who are classified as academically or artistically gifted and talented or who are enrolled
16 in Advanced Placement (AP) and International Baccalaureate (IB) courses in high school. Districts shall set-aside twelve percent
17 of the funds for serving artistically gifted and talented students in grades three through twelve.

18 Students in need of academic assistance are students who do not meet state standards in mathematics, English language arts, or
19 both on state approved assessments in grades three through eight and high school assessments for grades nine through twelve. The
20 additional weight generates funds needed to provide additional instructional services to these students.

21 Students with limited English proficiency are students who require intensive English language instruction programs and whose
22 families require specialized parental involvement intervention.

23 Funds received by a school district pursuant to the dual credit weighting must be used to defray all possible costs of dual credit
24 courses for students. Students identified for dual credit enrollment must be identified in PowerSchool as taking a course that will
25 lead to both high school credit and post-secondary credit. Districts must assist students in accessing Lottery Tuition Assistance
26 when applicable.

27 For the current school year, the Department of Education will continue to use counts from the prior school year to determine
28 poverty funding for the add-on weighting. The Department of Education will continue to work with school districts to determine
29 students eligible for the poverty add-on using the data elements used to determine USDA community eligibility to be used in future
30 years.

31 Further, the Department of Education may use school district student counts for personalized instruction as collected in the same
32 manner as the prior fiscal year, PowerSchool or other available existing data sources as determined by the department to calculate
33 the school district add on weightings for the personalized instruction classifications and the determination of the school districts
34 monetary entitlement. End of year adjustments shall be based on the one hundred thirty-five day student average daily
35 membership for all classifications. During the current fiscal year the department will update PowerSchool calculations, reports,
36 screen development, documentation, and training to incorporate the new pupil classification weightings and to make final district

1 allocation adjustments by June 30, ~~2017~~ 2018. The department must provide districts with technical assistance with regard to
2 student count changes in PowerSchool.

3 **1.4.** (SDE: EFA - Formula) The amount appropriated in Part IA, Section 1 for “Education Finance Act” shall be the maximum
4 paid under the provisions of Act 163 of 1977 (the South Carolina Education Finance Act of 1977) to the aggregate of all recipients.
5 The South Carolina Education Department shall develop formulas to determine the state and required local funding as stipulated in
6 the South Carolina Education Finance Act of 1977. Such formulas shall require the approval of the State Board of Education and
7 the State Fiscal Accountability Authority. After computing the EFA allocations for all districts, the department shall determine
8 whether any districts’ minimum required local revenue exceeds the districts’ total EFA Foundation Program. When such instance
9 is found, the department shall adjust the index of taxpaying ability to reflect a local effort equal to the cost of the districts’ EFA
10 Foundation Program. The districts’ weighted pupil units are to be included in determination of the funds needed for
11 implementation of the Education Finance Act statewide.

12 In the event that the formulas as devised by the Department of Education and approved by the State Board of Education and the
13 State Fiscal Accountability Authority should provide for distribution to the various school districts totaling more than the amount
14 appropriated for such purposes, subject to the provisions of this proviso, the Department of Education shall reduce each school
15 district entitlement by an equal amount per weighted pupil so as to bring the total disbursements into conformity with the total
16 funds appropriated for this purpose. If a reduction is required in the state’s contribution, the required local funding shall be
17 reduced by the proportionate share of local funds per weighted pupil unit. The Department of Education shall continually monitor
18 the distribution of funds under the provisions of the Education Finance Act and shall make periodic adjustments to disbursements
19 to ensure the aggregate of such disbursements do not exceed the appropriated funds.

20 Local districts shall not be mandated or required to inflate the base number in their respective salary schedules by any percentage
21 greater than the percentage by which the appropriated base student cost exceeds the appropriated base student cost of the prior
22 fiscal year.

23 **1.5.** (SDE: Employer Contributions/Allocations) It is the intent of the General Assembly that the appropriation contained herein
24 for “Public School Employee Benefits” shall not be utilized to provide employer contributions for any portion of a school district
25 employee’s salary that is federally funded.

26 State funds allocated for school district employer contributions must be allocated by the formula and must be used first by each
27 district to cover the cost of fringe benefits for personnel required by the Defined Program, food service personnel and other
28 personnel required by law. Once a district has expended all state allocated funds for fringe benefits, the district may utilize food
29 service revenues to fund a proportionate share of fringe benefits costs for food service personnel.

30 The Department of Juvenile Justice and the Department of Corrections’ school districts must be allocated funds under the fringe
31 benefits program in accordance with criteria established for all school districts.

32 **1.6.** (SDE: Employer Contributions/Obligations) In order to finalize each school district’s allocations of Employer
33 Contributions funds for retiree insurance from the prior fiscal year, the Department of Education is authorized to adjust a school
34 district’s allocation in the current fiscal year accordingly to reflect actual payroll and payments to the Retirement System from the
35 prior fiscal year. In the event the Department of Education is notified that an educational subdivision has failed to remit proper

1 payments to cover Employee Fringe Benefit obligations, the Department of Education is directed to withhold the educational
2 subdivision's state funds until such obligations are met.

3 **1.7.** (SDE: Governor's School for Science & Math) Any unexpended balance on June thirtieth of the prior fiscal year of funds
4 appropriated to or generated by the Governor's School for Science and Mathematics may be carried forward and expended in the
5 current fiscal year pursuant to the direction of the board of trustees of the school.

6 **1.8.** (SDE: Educational Responsibility/Foster Care) The responsibility for providing a free and appropriate public education
7 program for all children including disabled students is vested in the public school district wherein a child of lawful school age
8 resides in a foster home, group home, orphanage, or a state operated health care facility including a facility for treatment of mental
9 illness or chemical dependence and habilitation centers for persons with intellectual disabilities or persons with related conditions
10 located within the jurisdiction of the school district or alternative residences. The districts concerned may agree upon acceptable
11 local cost reimbursement. If no agreement is reached, districts providing education shall receive from the district where the child
12 last resided before placement in a facility an additional amount equivalent to the statewide average of the local base student cost
13 multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. If a child from out of
14 state is residing in a facility owned and/or operated by a for profit entity, the district providing educational services shall be
15 reimbursed by the for profit entity the local district's local support per weighted pupil above the statewide average base student
16 cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. This also applies
17 to John de la Howe School who also has the authority to seek reimbursement in any situation that the school district has
18 participation in the placement of the student. John de la Howe School shall be reimbursed the local district's local support per
19 weighted pupil above the statewide average base student cost multiplied by the appropriate pupil weighting as set forth in Section
20 59-20-40 of the Education Finance Act. Participation will be evidenced by a written agreement from the IEP team or 504 team,
21 written referral, or the school district initiating the placement process. School districts providing the education shall notify the
22 nonresident district in writing within forty-five calendar days that a student from the nonresident district is receiving education
23 services pursuant to the provisions of the proviso. The notice shall also contain the student's name, date of birth, and disabling
24 condition if available. If appropriate financial arrangements cannot be effected between institutions of the state, including
25 independent school districts under the authority of the Department of Disabilities and Special Needs, and school districts,
26 institutions receiving educational appropriations shall pay the local base student cost multiplied by the appropriate pupil weighting.
27 Children residing in institutions of state agencies shall be educated with nondisabled children in the public school districts if
28 appropriate to their educational needs. Such institutions shall determine, on an individual basis, which children residing in the
29 institution might be eligible to receive appropriate educational services in a public school setting. Once these children are
30 identified, the institution shall convene an IEP meeting with officials of the public school district in which the institution is located.
31 If it is determined by the committee that the least restrictive environment in which to implement the child's IEP is a public school
32 setting, then the school district in which the institution is located must provide the educational services. However, that school
33 district may enter into contractual agreements with any other school district having schools located within a forty-five mile radius
34 of the institution. The cost for educating such children shall be allocated in the following manner: the school district where the
35 child last resided before being placed in an institution shall pay to the school district providing the educational services an amount
36 equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting as set forth in

1 Section 59-20-40 of the Education Finance Act; the school district providing the educational services shall be able to count the
 2 child for all funding sources, both state and federal. The institution and school district, through contractual agreements, will
 3 address the special education and related services to be provided to students. Should the school district wherein the institution is
 4 located determine that the child cannot be appropriately served in a public school setting, then the institution may request a due
 5 process hearing pursuant to the procedures provided for in the Individuals with Disabilities Education Act.

6 The agreed upon acceptable local cost reimbursement or the additional amount equivalent to the statewide average of the local
 7 base student cost multiplied by the appropriate pupil weighting set forth in Section 59-20-40, for instructional services provided to
 8 out-of-district students, shall be paid within sixty days of billing, provided the billing district has provided a copy of the invoice to
 9 both the Superintendent and the finance office of the district being invoiced. Should the district not pay within sixty days, the
 10 billing district can seek relief from the Department of Education. The department shall withhold EFA funding equal to the billing
 11 from the district refusing to pay and submit the funding (equal to the invoice) to the billing school district.

12 The agency placing a child in any situation that requires changing school districts, must work with the schools to assure that all
 13 required school records, including confidential records, are transferred from the sending to the receiving school within three
 14 working days. School records to be transferred should include grade transcripts, state birth certificate, certificate of immunization,
 15 social security card, attendance records, discipline records, IEP's, psychological reports (or notation in the school records that a
 16 psychological report on the child is available at the school district office) and any other records necessary for the appropriate
 17 placement of the child in the new school. School districts must release all records upon presentation of a court order or appropriate
 18 permission for confidential release. If evaluation or placement is pending, the receiving school district is responsible to secure
 19 information and to complete the placement. The receiving school will maintain appropriate confidentiality of all records received
 20 on a child. Upon discharge or release from the treatment facility, the agency placing the child in the receiving school must work
 21 with the school district where the student will reside after treatment to assure continuity of the student's education.

22 **1.9.** (SDE: Instruction in Juvenile Detention Centers) It shall be the responsibility of the school district where a local juvenile
 23 detention center is located to provide adequate teaching staff and to ensure compliance with the educational requirements of this
 24 State. Students housed in local juvenile detention centers are to be included in the average daily membership count of students for
 25 that district and reimbursement by the Department of Education made accordingly.

26 **1.10.** (SDE: Revenue Authorization) The State Department of Education is hereby authorized to collect, expend, and carry
 27 forward revenues in the following areas to offset the cost of providing such services: the sale of publications, manuals and forms,
 28 the sale of Apple Tags, royalties, contributions, donations, foundation funds, special grants and contracts, brochures, photo copies,
 29 listings and labels, Directory of South Carolina Schools, student health record cards, items to be recycled, and high school
 30 diplomas and certificates; the collection of out-of-state and in-state investigation fees, registration fees for non-SDE employees,
 31 recurring facility inspection fees, teacher certification fees; the handling of audio-visual film; the provision of contract computer
 32 services to school districts and other state agencies, joint broadcast service to school districts, and education-related statistics
 33 through agreement with the National Center for Education Statistics; the lease or sale of programs of television, audio or
 34 microcomputer software; the lease or sale of virtual courses to other states; the collection of damage fees for instructional materials
 35 and the sale of unusable instructional materials; sale of fuel; use and repair of transportation equipment; fees for Medicaid
 36 reimbursable transportation; the receipt of insurance and warranty payments on Department of Education equipment and the sale of

1 used school buses and support equipment. The Department of Education is authorized to collect revenue for deposit into the State
2 General Fund for testing material purchases and test rescoring fees. The Department of Education is authorized to expend revenue
3 collected for lost and damaged instructional materials and the sale of unusable instructional materials for the purpose of contracting
4 for the purchase and maintenance of a statewide textbook inventory management system, provided that schools' newly-adopted
5 instructional materials needs are met first.

6 **1.11.** (SDE: School District Bank Accounts) Each school district in this State, upon the approval of the district's governing
7 body, may maintain its own bank account for the purpose of making disbursement of school district funds as necessary to conduct
8 school district business and each county treasurer is hereby authorized to transfer such amount as needed, upon receipt of a written
9 order certified by the district governing body or their designee. Such order shall contain a statement that such amount is for
10 immediate disbursement for the payment of correct and legal obligation of the school district.

11 ~~**1.12.** (SDE: School Lunch Program Aid) The amount appropriated herein for School Lunch Program Aid shall be divided~~
12 ~~among the District and/or County Boards of Education of the State upon the basis of the number of schools participating in the~~
13 ~~School Lunch Program in each district during the prior school year. The travel expenses of the District and/or County School~~
14 ~~Lunch Supervisor shall be paid from this appropriation at the prevailing rate of mileage allowed by the State. These funds may be~~
15 ~~used as an aid in improving the School Lunch Program. These funds may not be used to supplement the salaries of school lunch~~
16 ~~supervisors. In the absence of a County Board of Education in multi district counties, the funds will be divided among the school~~
17 ~~districts of the county on the basis of the number of schools participating in the School Lunch Program in each district during the~~
18 ~~prior school year.~~

19 **1.13.** (SDE: Travel/Outside of Continental U.S.) School District allocations from General Funds, lottery, and EIA funds shall
20 not be used for travel outside of the continental United States. The International Baccalaureate Program shall be exempt from this
21 restriction.

22 **1.14.** (SDE: Year End Closeout) The State Department of Education is authorized to expend federal and earmarked funds (not
23 including state or EIA funds) in the current fiscal year for expenditures incurred in the prior year; however, state funds
24 appropriated in Part IA, Section 1, X, Aid to School Districts, for the Children's Case Resolution System or private placements for
25 services provided to children with disabilities may be used for those expenditures in prior fiscal years. The department is also
26 authorized to use appropriated funds to pay for textbooks shipped in the fourth quarter of the prior fiscal year.

27 **1.15.** (SDE: Transportation Collaboration) The Department of Education School Bus Maintenance Shops shall be permitted,
28 on a cost reimbursable-plus basis, to deliver transportation maintenance and services to vehicles owned or operated by public
29 agencies in South Carolina.

30 School buses operated by school districts, other governmental agencies or head start agencies for the purpose of transporting
31 students for school or school related activities shall not be subject to state motor fuel taxes. Further, that school districts, other
32 governmental agencies or head start agencies may purchase this fuel, on a cost reimbursable-plus basis, from the Department of
33 Education School Bus Maintenance Shops.

34 **1.16.** (SDE: School Bus Insurance) The Department of Education shall maintain comprehensive and collision insurance or
35 self-insure state-owned buses. In no event shall the department charge local school districts for damages to the buses which are
36 commonly covered by insurance.

1 **1.17.** (SDE: Teacher Data Collection) Of the non-program funds appropriated to the Department of Education, it and the
2 Commission on Higher Education shall share data about the teaching profession in South Carolina. The data sharing should ensure
3 (1) a systematic report on teacher supply and demand information and (2) data to determine classes being taught by public school
4 teachers out of field of their preparation. The data collection should include but not be limited to: classes/subjects taught, number
5 of students taught, percentage of teacher education graduates from South Carolina colleges/universities who go into teaching,
6 percentage of teacher education graduates who teach in public schools in South Carolina, percentage of new teachers who leave the
7 South Carolina teaching profession in the first three years of public school teaching due to unsuccessful evaluations, percentage of
8 new teachers who leave the profession in the first three years of public school teaching in South Carolina who have successful
9 evaluations, turnover rate of teachers and certification areas with highest vacancies. All database items should be set up so that it
10 can be disaggregated by ethnicity, gender, geographic location, etc.

11 **1.18.** (SDE: School Bus Driver CDL) From funds provided in Part IA, Section 1, VII.B., local school districts shall request a
12 criminal record history from the South Carolina Law Enforcement Division for past conviction of any crime before the initial
13 employment of a school bus driver or school bus aide. The Department of Education and the school districts shall be treated as a
14 charitable organization for purposes of the fee charged for the criminal records search.

15 **1.19.** (SDE: School Bus Purchase) Any procurement of school buses with funds appropriated in this act or any other
16 appropriation bill must meet specifications developed by the School Bus Specification Committee as established by the State
17 Superintendent of Education. The School Bus Specifications Committee shall allow for input from all school bus chassis and body
18 manufacturers. However, if it is safe, more economical, and in the public interest, the department may use the school bus
19 specifications of another state in the procurement of school buses. If the department uses the specifications of another state, the
20 department must submit a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and
21 Means Committee detailing the methodology by which the alternative specifications were determined to be safe, more economical,
22 and in the public interest, when compared to the specifications set forth by the School Bus Specifications Committee.

23 **1.20.** (SDE: Buses, Parts, and/or Fuel) Funds appropriated for other operating in program VII.B. - Bus Shops and funds
24 appropriated in VII.C. - Buses may be used to purchase buses, fuel, parts, or other school bus related items. All funds appropriated
25 for bus fuel, parts/supplies, maintenance, and bus purchases may be carried forward from the prior fiscal year and expended in the
26 current fiscal year to support bus transportation services.

27 **1.21.** (SDE: Mitford Transportation Costs) Transportation costs for the transporting of students from the Mitford area of
28 Fairfield County to schools in the Great Falls area of Chester County is not the responsibility of and shall not be borne by the
29 Chester County School District. These transportation costs shall continue to be the responsibility of the State Department of
30 Education.

31 **1.22.** (SDE: Status Offenders/John de la Howe) The funds appropriated for the Status Offender Program shall be distributed to
32 John de la Howe School to expand residential programs to include court ordered status offenders. Components of such a program
33 shall include collaboration between the home school district and the residential school and treatment or related services to the
34 families of students in placement.

35 **1.23.** (SDE: Governor's School Leave Policy) The South Carolina Governor's School for the Arts and Humanities and the
36 South Carolina Governor's School for Science and Mathematics are authorized to promulgate administrative policy governing

1 annual and sick leave relative to faculty and staff with the approval of their respective board of directors. This policy shall address
2 their respective school calendars in order to comply with the instructional needs of students attending both special schools.

3 **1.24.** (SDE: School Board Meetings) Of the funds appropriated through the Department of Education for technology related
4 expenses, school districts that have a website shall place a notice of a regularly scheduled school board meeting twenty-four hours
5 in advance of such meeting. The notice shall include the date, time, and agenda for the board meeting. The school district shall
6 place the minutes of the board meeting on their website within ten days of the next regularly scheduled board meeting.

7 **1.25.** (SDE: Proviso Allocations) In the event an official General Fund revenue shortfall is declared by the Board of Economic
8 Advisors, the Department of Education may reduce any allocation in Section 1 specifically designated by proviso in accordance
9 with the lower Board of Economic Advisors revenue estimate as directed by the Executive Budget Office, except the additional
10 EFA allocation to the South Carolina Public Charter School District. The reduction may not be greater than the total percentage of
11 reduction of the Section 1 appropriation. Should the department hold back funds in excess of the total percentage reduction those
12 funds must be allocated per the proviso. No allocation for teacher salaries shall be reduced as a result of this proviso.

13 **1.26.** (SDE: School Districts and Special Schools Flexibility) All school districts and special schools of this State may transfer
14 and expend funds among appropriated state general fund revenues, Education Improvement Act funds, and Education Lottery Act
15 funds, and funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, to
16 ensure the delivery of academic and arts instruction to students. However, a school district may not transfer funds allocated
17 specifically for state level maintenance of effort requirements under IDEA, funds allocated specifically for state level maintenance
18 of effort requirement for federal program, funds provided for the Education and Economic Development Act, funds provided for
19 Career and Technology Education, funds provided for technology nor required for debt service or bonded indebtedness. All school
20 districts and special schools of this State may suspend professional staffing ratios and expenditure regulations and guidelines at the
21 sub-function and service area level, except for four-year old programs and programs serving students with disabilities who have
22 Individualized Education Programs.

23 In order for a school district to take advantage of the flexibility provisions, at least seventy-five percent of the school district's
24 per pupil expenditures must be utilized within the In\$ite categories of instruction, instructional support, and only transportation,
25 food service, and safety within non-instruction pupil services. No portion of the seventy-five percent may be used for facilities,
26 business services, debt service, capital outlay, program management, and leadership services, as defined by In\$ite. The school
27 district shall report to the Department of Education the actual percentage of its per pupil expenditures used for classroom
28 instruction, instructional support, and transportation, food service, and safety within non-instruction pupil services for the current
29 school year ending June thirtieth. Salaries of on-site principals must be included in the calculation of the district's per pupil
30 expenditures.

31 "In\$ite" means the financial analysis model for education programs utilized by the Department of Education.

32 School districts are encouraged to reduce expenditures by means, including, but not limited to, limiting the number of low
33 enrollment courses, reducing travel for the staff and the school district's board, reducing and limiting activities requiring dues and
34 memberships, reducing transportation costs for extracurricular and academic competitions, restructuring administrative staffing,
35 and expanding virtual instruction.

36 School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year.

1 Prior to implementing the flexibility authorized herein, school districts must provide to Public Charter Schools the per pupil
2 allocation due to them for each categorical program.

3 Quarterly throughout the current fiscal year, the chairman of each school district's board and the superintendent of each school
4 district must certify where non-instructional or nonessential programs have been suspended and the specific flexibility actions
5 taken. The certification must be in writing, signed by the chairman and the superintendent, delivered electronically to the State
6 Superintendent of Education, and an electronic copy forwarded to the Chairman of the Senate Finance Committee, the Chairman of
7 the Senate Education Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House
8 Education and Public Works Committee. Additionally, the certification must be presented publicly at a regularly called school
9 board meeting, and the certification must be conspicuously posted on the internet website maintained by the school district.

10 For the current fiscal year, Section 59-21-1030 is suspended. The foreign language program assessment, and the physical
11 education assessment must be suspended. School districts and the Department of Education are granted permission to purchase the
12 most economical type of bus fuel.

13 For the current fiscal year, savings generated from the suspension of the assessments enumerated above must be allocated to
14 school districts based on weighted pupil units.

15 School districts must maintain a transaction register that includes a complete record of all funds expended over one hundred
16 dollars, from whatever source, for whatever purpose. The register must be prominently posted on the district's internet website and
17 made available for public viewing and downloading. The register must include for each expenditure:

- 18 (i) the transaction amount;
- 19 (ii) the name of the payee; and
- 20 (iii) a statement providing a detailed description of the expenditure.

21 The register must not include an entry for salary, wages, or other compensation paid to individual employees. The register must
22 not include any information that can be used to identify an individual employee. The register must be accompanied by a complete
23 explanation of any codes or acronyms used to identify a payee or an expenditure. The register must be searchable and updated at
24 least once a month.

25 Each school district must also maintain on its internet website a copy of each monthly statement for all of the credit cards
26 maintained by the entity, including credit cards issued to its officers or employees for official use. The credit card number on each
27 statement must be redacted prior to posting on the internet website. Each credit card statement must be posted not later than the
28 thirtieth day after the first date that any portion of the balance due as shown on the statement is paid.

29 The Comptroller General must establish and maintain a website to contain the information required by this section from a school
30 district that does not maintain its own internet website. The internet website must be organized so that the public can differentiate
31 between the school districts and search for the information they are seeking.

32 ~~School districts that do not maintain an internet website must transmit all information required by this provision to the~~
33 ~~Comptroller General in a manner and at a time determined by the Comptroller General to be included on the internet website.~~

34 The provisions contained herein do not amend, suspend, supersede, replace, revoke, restrict, or otherwise affect Chapter 4, Title
35 30, the South Carolina Freedom of Information Act. Nothing in this proviso shall be interpreted as prohibiting the State Board of
36 Education to exercise its authority to grant waivers under Regulation 43-261.

1 **1.27.** (SDE: Medical Examination and Security Reimbursement/Expenditures) From funds authorized in Part IA, Section 1,
2 VII.B. Other Operating Expenses, the Department of Education may directly pay, or reimburse employees, for the cost of a
3 medical examination as required in Part 391, Subpart E of the Federal Motor Carrier Safety Regulations, for employees that are
4 required to operate a state vehicle transporting hazardous materials and that are required to undergo a national security background
5 check because of the required Hazmat endorsement to their CDL.

6 **1.28.** (SDE: Budget Reduction) In compensating for any reduction in funding or an operating deficit publically recognized by
7 the School Board of Trustees, local districts must give priority to preserving classroom teachers and operations. Funding
8 reductions should first be applied to administrative and non-classroom expenses before classroom expenses are affected.

9 **1.29.** (SDE: Governor's School for the Arts and Humanities Carry Forward) Any unexpended balance on June thirtieth of the
10 prior fiscal year of funds appropriated to or generated by the Governor's School for the Arts and Humanities may be carried
11 forward and expended in the current fiscal year pursuant to the discretion of the Board of Trustees of the School.

12 **1.30.** (SDE: Governor's Schools' Fees) The South Carolina Governor's School for the Arts and Humanities and the South
13 Carolina Governor's School for Science and Mathematics are authorized to charge, collect, expend, and carry forward student fees
14 as approved by their respective Board of Directors. The purpose and amount of any such fees will be to maintain program quality
15 in both academics and residential support. No student will be denied admittance or participation due to financial inability to pay.
16 The respective Board of Directors shall promulgate administrative policy governing the collection of all student fees. Both schools
17 shall conspicuously publish a fee schedule on their respective websites.

18 **1.31.** (SDE: School District Furlough) Should there be a midyear reduction in state funding to the districts, school districts
19 may institute employee furlough programs for district-level and school-level professional staff. Before any of these employees
20 may be furloughed, the chairman of the governing body of the school district must certify that all fund flexibility provided by the
21 General Assembly has been utilized by the district and that the furlough is necessary to avoid a year-end deficit and a reduction in
22 force. The certification must include a detailed report by the superintendent of the specific action taken by the district to avoid a
23 year-end deficit. The certification and report must be in writing and delivered to the State Superintendent of Education and a copy
24 must be forwarded to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

25 The local school district board of trustees may implement a furlough of personnel once certification to the State Superintendent
26 documents all funding flexibility has been exhausted and continued year-end deficits exist. Local school boards of trustees shall
27 have the authority to authorize furloughs of these employees in the manner in which it sees fit. However, instructional personnel
28 may be furloughed for up to five non-instructional days if not prohibited by an applicable employment contract with the district
29 and provided district administrators are furloughed for twice the number of days. District administrators may only be furloughed
30 on non-instructional days and may not be furloughed for a period exceeding ten days. District administrators shall be defined by
31 the Department of Education using the Professional Certified Staff (PCS) System. For individuals not coded in PCS, the
32 determination shall be made based upon whether the individual performs the functions outlined in position codes identified by the
33 department as administration. Educators who would have received a year's experience credit had a furlough not been
34 implemented, shall not have their experience credit negatively impacted because of a furlough implementation.

35 During any furlough, affected employees shall be entitled to participate in the same benefits as otherwise available to them
36 except for receiving their salaries. As to those benefits that require employer and employee contributions, including, but not

1 limited to, contributions to the South Carolina Retirement System or the optional retirement program, the district will be
2 responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those
3 benefits which require only employee contributions, the employee remains solely responsible for making those contributions.
4 Placement of an employee on furlough under this provision does not constitute a grievance or appeal under any employee
5 grievance procedure. The district may allocate the employee's reduction in pay over the balance of the fiscal year for payroll
6 purposes regardless of the pay period within which the furlough occurs.

7 Each local school district must prominently post on the district's internet website and make available for public viewing and
8 downloading the most recent version of the school district's policy manual and administrative rule manual.

9 This proviso shall not abrogate the terms of any contract between any school district and its employees.

10 **1.32.** (SDE: School Lunch/Attendance Supervisors) For those counties in which an entity other than the school district
11 administers the school lunch supervisor and/or attendance supervisor programs, the school districts in that county shall transfer to
12 the entity the amount available in the previous fiscal year for administration of the school lunch supervisor and/or attendance
13 supervisor programs. Each district shall transfer a pro rata share of the total cost based upon the percentage of state EFA funds
14 distributed to the districts within the county.

15 **1.33.** (SDE: SCGSAH Certified Teacher Designation) Because of the unique nature of the South Carolina Governor's School
16 for the Arts and Humanities, the Charleston School of the Arts, and the Greenville County Fine Arts Center, the schools are
17 authorized to employ at its discretion noncertified classroom teachers teaching in the literary, visual and performing arts subject
18 areas who are otherwise considered to be appropriately qualified in a ratio of up to one hundred percent of the entire teacher staff.

19 **1.34.** (SDE: No Discrimination Requirement) State funds must not be appropriated to a school that discriminates against or
20 participates with or is a member of an association with policies that discriminate or afford different treatment of students based on
21 race or national origin.

22 **1.35.** (SDE: Medicaid Cash Match Accounting) The department is granted authority to transfer funds between budget lines
23 and object codes to identify, reconcile, reimburse, and remit funds required for Medicaid cash match to the Department of Health
24 and Human Services.

25 **1.36.** (SDE: Student Report Card-GPA) For each high school student, school districts shall be required to print the student's
26 individual cumulative grade point average for grades nine through twelve on the student's report card.

27 **1.37.** (SDE: Lost & Damaged Instructional Materials Fees) Fees for lost and damaged instructional materials for the prior
28 school year are due no later than December first of the current school year when invoiced by the Department of Education. The
29 department may withhold instructional materials funding from schools that have not paid their fees by the payment deadline.

30 **1.38.** (SDE: Education Finance Act Reserve Fund) There is created in the State Treasury a fund separate and distinct from the
31 General Fund of the State and all other funds entitled the Education Finance Act Reserve Fund. All unexpended general funds
32 appropriated to the Department of Education for the Education Finance Act in the current fiscal year shall be transferred to the
33 Education Finance Act Reserve Fund. In the event that the amount appropriated for the Education Finance Act is insufficient to
34 fully fund the base student cost as established by this act, revenues from the Education Finance Act Reserve Fund may be used to
35 supplement the funds appropriated. The General Assembly may make direct appropriations to this fund. All unexpended funds in

1 the Education Finance Act Reserve Fund and any interest accrued by the fund must remain in the fund and may be carried forward
2 into the current fiscal year.

3 **1.39.** (SDE: Prohibit Advertising on School Buses) The Department of Education and local school districts are prohibited
4 from selling space for or the placement of advertisements on the outside or inside of state-owned school buses.

5 **1.40.** (SDE: Residential Treatment Facilities Student Enrollment and Funding) Each South Carolina resident of lawful school
6 age residing in licensed residential treatment facilities (RTFs) for children and adolescents identified on the State Qualified
7 Providers list and meets the requirements of Section 44-7-130 of the 1976 Code, (students) shall be entitled to receive educational
8 services from the school district in which the RTF is located (facility school district). The responsibility for providing appropriate
9 educational programs and services for these students, both with and without disabilities, who are referred, authorized, or placed by
10 the State is vested in the facility school districts. For purposes of this proviso, an authorization must be pursuant to a physician's
11 determination of medical necessity. If clinically appropriate, the facility school district, the RTF, and the parent or guardian of a
12 student referred or placed in a RTF may consider the appropriateness of providing the student's education program virtually
13 through enrollment in either the facility district's virtual program, the South Carolina virtual school program provided through the
14 Department of Education (Virtual SC), or a virtual charter school authorized by the South Carolina Public Charter School District,
15 or a virtual charter school authorized by an approved institute of higher education. This decision should be made jointly with the
16 best interest of the student and what is clinically indicated being considered.

17 A facility school district must provide the necessary educational programs and services directly to the student at the RTF's
18 facility, provided that the RTF facility provides and maintains comparable adequate space for the educational programs and
19 services consistent with all federal and state least restrictive environment requirements. Adequate space shall include appropriate
20 electrical support and Internet accessibility. Unless the parent or legal guardian of the student seeks to continue the student's
21 enrollment in the resident school district under a medical homebound instruction program and the district approves, if appropriate,
22 then, under these circumstances, the facility school district shall enroll the student and assume full legal and financial responsibility
23 for the educational services including enrolling the student, approving the student's entry into a medical homebound instructional
24 program, if appropriate, and receiving and expending funds, unless the resident school district undertakes to carry out its
25 educational responsibilities for the student directly. Alternatively, a facility school district may choose to provide the necessary
26 educational programs and services by contracting with the RTF provided that the RTF agrees to provide educational services to the
27 student at the RTF's facility. Under these circumstances, the facility school district must enroll the student and pay the RTF for the
28 educational services provided. If the facility school district determines the educational program being offered by the RTF does not
29 meet the educational standards outlines in the contract, the facility district shall be justified in terminating the contract.

30 The facility school districts are entitled to receive the base student cost multiplied by the Education Finance Act pupil weighting
31 for Homebound pupils of 2.10, as set forth in Section 59-20-40 of the 1976 Code and any eligible categorical and federal funds.
32 These funds may be retained by the facility school districts for the purpose of providing the educational programs and services
33 directly to students referred or placed by the State or the facility school districts may use these funds to reimburse RTFs for the
34 educational programs and services provided directly by the RTFs. A facility school district is entitled to reimbursement from a
35 resident school district for the difference between (1) the reasonable costs expended for the educational services provided directly
36 by the facility school district or the amount paid to the RTF and (2) the aggregate amount of federal and state funding received by

1 the facility school district for that student. However, the reimbursement rate may not exceed \$45 per student per day. Facility
2 school districts providing the educational services shall notify the resident district in writing within forty-five calendar days that a
3 student from the resident district is receiving educational services pursuant to the provisions of the proviso. Reimbursements shall
4 be paid within sixty days of billing, provided the facility district has provided a copy of the invoice to both the District
5 Superintendent and the finance office of the resident district being invoiced. Should the facility school district be unable to reach
6 agreement with the resident school district regarding reasonable costs differences, the facility school district shall notify the
7 Department of Education's Office of General Counsel. The Department of Education shall facilitate a resolution of the dispute
8 between the facility school district and the resident school district within forty-five days of the notice of dispute. If the issue of
9 reasonable cost differences should remain unresolved, a facility school district shall have the right to file a complaint in a Circuit
10 Court. Should a resident school district fail to distribute the entitled funding to the facility school district by the one hundred
11 thirty-five day count, the Department of Education is authorized to withhold the equivalent amount of EFA funds and transfer
12 those funds to the facility school district.

13 RTF facilities on the State Qualified Provider List not located within the boundaries of the state shall be reimbursed at a rate that
14 may not exceed \$45 per student per day for education services and school districts shall be eligible to receive a base student cost
15 weighted funding of 2.10 provided that the student remains enrolled in the school district. Facilities providing the educational
16 services shall notify the resident district in writing within forty-five calendar days that a student from the resident district is
17 receiving educational services pursuant to the provisions of the proviso. Reimbursements shall be paid within sixty days of billing,
18 provided the qualified facility has provided a copy of the invoice to both the District Superintendent and the finance office of the
19 resident district being invoiced. Should the facility be unable to reach agreement with the resident school district regarding
20 reasonable costs differences, the provider shall notify the Department of Education's Office of General Counsel. The Department
21 of Education shall facilitate a resolution of the dispute between the facility and the resident school district within forty-five days of
22 the notice of dispute. If the issue of reasonable cost differences should remain unresolved, a facility shall have the right to file a
23 complaint in a Circuit Court. Additionally, qualified RTF providers' general education curriculum must be aligned to the South
24 Carolina academic standards in the core content areas. All students with disabilities who are eligible for special education and
25 related services under the Individuals with Disabilities Education Act (IDEA), as amended, and the State Board of Education
26 (SBE) regulations, as amended, shall receive special education and related services in the least restrictive environment by
27 appropriately certified personnel. Students in a qualified RTF will at all times be eligible to receive the educational credits (e.g.,
28 Carnegie Units) earned through their educational efforts. The resident school district and the RTF should develop a memorandum
29 of understanding to outline the responsibilities of the RTF in providing the educational services and responsibilities, if any, of the
30 resident school district while the student is housed in the RTF.

31 If a child from out of state is placed in a RTF by an out-of-state school district or agency, the child's home state remains
32 responsible for the educational services. The facility school district may choose to provide the educational program to the child
33 and, upon choosing to do so, shall contract with the appropriate entity for payment of educational serviced provided to the child.
34 Out-of-state students provided educational services by a facility school district shall not be eligible for funding through the
35 Education Finance Act.

1 If a child is placed in a RTF by the child's parent or guardian and is not referred, authorized, or placed by the State, the facility
2 school district may choose to provide the educational program to the child, and upon doing so, must negotiate with the resident
3 school district for services through medical homebound procedures. A facility school district is responsible for compliance with all
4 child find requirements under Section 504 of the Rehabilitation Act of 1973 and Individuals with Disabilities Act of 2004 (IDEA).

5 All students enrolled in the facility school districts shall have access to the facility school districts' general education curriculum,
6 which will be tied to the South Carolina academic standards in the core content areas. All students with disabilities who are
7 eligible for special education and related services under the Individuals with IDEA, as amended, and the State Board of Education
8 (SBE) regulations, as amended, shall receive special education and related services in the least restrictive environment by
9 appropriately certified personnel. Students in an RTF will at all times be eligible to receive the educational credits (e.g., Carnegie
10 Units) earned through their educational efforts.

11 With respect to students enrolled in the facility school districts, for accountability purposes, the assessment and accountability
12 measures for students residing in RTFs shall be attributed to a specific school only if the child physically attends the school. The
13 performance of students residing in a RTF who receive their educational program on site at the RTF must be reflected on a separate
14 line on the facility school district's report card and must not be included in the overall performance ratings of the facility school
15 district. The Department of Education shall examine the feasibility of issuing report cards for RTFs. For the current fiscal year, a
16 facility school district shall not have the district's state accreditation rating negatively impacted by deficiencies related to the
17 delivery of an educational program at a RTF.

18 RTFs shall notify the facility school district as soon as practical, and before admission to the RTF if practical, of a student's
19 admission to the RTF. RTFs, the facility school districts and the Department of Education shall use their best efforts to secure
20 and/or exchange information, including documents and records necessary to provide appropriate educational services and/or related
21 services as necessary to assist the facility school district in determining the resident school district. The Department of Education,
22 in collaboration with state placing agencies, RTFs, facility school districts, and resident school districts, shall implement a system
23 to follow the release of students from a RTF and re-enrollment in public, private, or special schools to ensure these students, when
24 appropriate, are not recorded as dropouts.

25 **1.41.** (SDE: Special Schools Flexibility) For the current fiscal year, the special schools are authorized to transfer funds among
26 funding categories, including capital funds.

27 **1.42.** (SDE: High School Driver Education) For the current fiscal year, the requirement for high schools to provide a course in
28 driver education is suspended however, high schools may continue to offer driver education courses if they choose to do so.

29 **1.43.** (SDE: Carry Forward Authorization) For the current fiscal year, the Department of Education is authorized to carry
30 forward and expend any General Fund balances for school bus transportation.

31 **1.44.** (SDE: Administrative Costs Report Posting) School districts must report the amount of funds spent on administrative
32 costs, as defined by In\$ight in the prior fiscal year and post the report on the districts website. School districts shall provide an
33 electronic copy of this report to the Department of Education in conjunction with the financial audit report required by Section
34 59-17-100, of the 1976 Code. If a district fails to meet these requirements they must be notified in writing by the department that
35 the district has sixty days to comply with the reporting requirement. If the district does not report within sixty days, the department

1 is authorized to reduce the district's base student cost by one percent until such time as the requirement is met. Once in
2 compliance, any funds withheld will be returned to the district.

3 **1.45.** (SDE: Governor's Schools Residency Requirement) Of the funds appropriated, the Governor's School for the Arts and
4 the Humanities and the Governor's School for Science and Mathematics are to ensure that a parent(s) or guardian(s) of a student
5 attending either the Governor's School for the Arts and the Humanities or the Governor's School for Science and Mathematics
6 must prove that they are a legal resident of the state of South Carolina at the time of application and must remain so throughout
7 time of attendance. The Governor's School for the Arts and the Humanities and Governor's School for Science and Mathematics
8 may not admit students whose parent(s) or guardian(s) are not legal residents of South Carolina.

9 **1.46.** (SDE: Holocaust Funds) Funds appropriated to the Department of Education for the SC Council on Holocaust shall not
10 be used for any other purpose nor transferred to any other program. In addition, in the event the department is required to
11 implement a budget reduction, SC Council on Holocaust funds may not be reduced.

12 **1.47.** (SDE: Student Health and Fitness) Funds appropriated for Student Health and Fitness shall be allocated to school
13 districts to increase the number of physical education teachers to the extent possible and to provide licensed nurses for elementary
14 public schools. ~~Twenty-seven~~ Twenty-one percent of the funds shall be allocated to the districts based on average daily
15 membership of grades K-5 from the preceding year for physical education teachers. The remaining funds will be made available
16 for school nurses and shall be distributed to the school districts on a per school basis. Schools that provide instruction in grades
17 K-5 are eligible to apply for the school nurse funds.

18 **1.48.** (SDE: Impute Index Value) For the current fiscal year and for the purposes of calculating the index of taxpaying ability
19 the Department of Revenue shall impute an index value for owner-occupied residential property qualifying for the special four
20 percent assessment ratio by adding the second preceding taxable year total school district reimbursements for Tier 1, 2, and Tier
21 3(A) and not to include the supplement distribution. The Department of Revenue shall not include sales ratio data in its calculation
22 of the index of taxpaying ability. The methodology for the calculations for the remaining classes of property shall remain as
23 required pursuant to the EFA and other applicable provisions of law.

24 **1.49.** (SDE: EFA State Share) A school district that does not recognize a State share of the EFA financial requirement shall be
25 supplemented with an amount equal to seventy percent of the school district with the least State financial requirement.

26 **1.50.** (SDE: Health Education) (1) Each school district is required to ensure that all comprehensive health education,
27 reproductive health education, and family life education conducted within the district, whether by school district employees or a
28 private entity, must utilize curriculum that complies with the provisions contained in Chapter 32, Title 59 and aligns to all
29 standards and regulations adopted by the South Carolina State Board of Education. Each district shall publish on its website the
30 title and publisher of all health education materials it has approved, adopted, and used in the classroom. If the department
31 determines that a district is non-compliant with mandated health education upon review of the district's annual CHE Compliance
32 Survey or if the district fails to publish the title and publisher of materials on its website, then the Department of Education shall
33 withhold one percent of the district's funds allocated in Part IA, Section 1, X - Student Health and Fitness Act until the department
34 determines the district is in compliance.

35 (2) Any person may complain in a signed, notarized writing to the chairman of the governing board of a school district that
36 matter not in compliance with the requirements of Chapter 32, Title 59 is being taught in the district. Upon receiving a notarized

1 complaint, the chairman of the governing board must ensure that the complaint is immediately investigated and, if the complaint is
2 determined to be founded, that immediate action is taken to correct the violation. If corrective action is not taken within 60 days of
3 such a determination, or if no investigation is made within 60 days of the chairman's receipt of the notarized statement, then the
4 complainant may within 60 calendar days, give written notice to the department. The notice must include the original notarized
5 complaint. If, upon investigation, the department determines that the district has not taken appropriate immediate action to correct
6 a violation, then the Department of Education shall withhold one percent of the district's funds allocated in Part IA, Section 1,
7 X - Student Health and Fitness Act until the department determines the district is in compliance.

8 **1.51.** (SDE: Bus Lease/Purchase) The Department of Education is permitted to purchase or lease school buses in order to
9 continue replacement of the state's school bus fleet.

10 ***1.52.** (SDE: Lee County Bus Shop) *From the funds appropriated in program VII.B. Bus Shops, in the current fiscal year,*
11 *the department must fund the Lee County School District Bus Shop and the Kershaw County School District Bus Shop at the*
12 *same level as they were funded in the previous fiscal year.*

13 **1.53.** (SDE: School Enrollment Policy) For the current fiscal year, any school district with an open enrollment policy for all
14 schools or certain schools which had previously accepted certain students residing outside of the district to an academic magnet
15 school in the district must continue to accept these students and their siblings for enrollment at the academic magnet school under
16 the same terms and conditions these students were previously permitted to attend the school.

17 **1.54.** (SDE: District Funding Flexibility) For the current fiscal year, districts must utilize funding flexibility provided herein to
18 ensure that district approved safety precautions are in place at every school.

19 **1.55.** (SDE: Transportation Maintenance Facilities) For the current fiscal year, a school district wishing to include school bus
20 maintenance in a contract with a private vendor may enter into an agreement with the Department of Education whereby the
21 department releases the school district to include school bus maintenance in the private vendor contract.

22 **1.56.** (SDE: School District Activity Bus Advertisements) School Districts may sell commercial advertising space on the
23 outside or inside of district owned activity buses. However, as defined and determined by the local school board, a school district
24 may not sell such commercial advertising if the advertisement promotes a political candidate, ideology, or cause, a product that
25 could be harmful to children, or a product that appeals to the prurient interest. Revenue generated from the sale of commercial
26 advertising space shall be retained by the school district.

27 **1.57.** (SDE: School District Property) The requirements of Section 59-19-250 of the 1976 Code, as amended, which requires
28 the consent of a governing board of a county in order for school trustees to sell or lease school property whenever they deem it
29 expedient to do so are suspended for the current fiscal year.

30 **1.58.** (SDE: Full-Day 4K) Eligible students residing in a school district that met the poverty level for participation in the prior
31 school year are eligible to participate in the South Carolina Early Reading Development and Education Program in the current
32 school year. Public and private providers shall be funded for instructional costs at a rate of ~~\$4,422~~ \$4,510 per student enrolled.
33 Eligible students enrolling during the school year or withdrawing during the school year shall be funded on a pro rata basis
34 determined by the length of their enrollment. Private providers transporting eligible children to and from school shall also be
35 eligible for a reimbursement of ~~\$563~~ \$574 per eligible child transported. All providers who are reimbursed are required to retain
36 records as required by their fiscal agent. New providers participating for the first time in the current fiscal year and enrolling

1 between one and six eligible children shall be eligible to receive up to \$1,000 per child in materials and equipment funding, with
2 providers enrolling seven or more such children eligible for funding not to exceed \$10,000. Providers receiving equipment funding
3 are expected to participate in the program and provide high-quality, center-based programs as defined herein for a minimum of
4 three years. Failure to participate for three years will require the provider to return a portion of the equipment allocation at a level
5 determined by the Department of Education and the Office of First Steps to School Readiness. Funding to providers is contingent
6 upon receipt of data as requested by the Department of Education and the Office of First Steps. The Department of Education shall
7 only provide funding for public school students whose complete records have been entered into PowerSchool and end of year
8 adjustments shall be based on the one hundred and thirty-five day student average daily membership.

9 Annually, the Department of Education is directed to audit the annual allocations to public providers to ensure that allocations
10 are accurate and aligned to the appropriate pro rata per student allocation, materials, and equipment funding. In the event the
11 department, during the audit process determines that the annual allocations of the prior fiscal year are not accurate, the department
12 must adjust the allocations for the current fiscal year to account for the audit findings. The department must provide the results of
13 the annual audit findings to the General Assembly no later than December first. Likewise, in the event the Office of First Steps
14 determines that the annual allocations of the prior fiscal year to private providers are not accurate, the Office of First Steps must
15 adjust the allocations for the current fiscal year to account for the findings.

16 Of the funds appropriated, \$300,000 shall be allocated to the Education Oversight Committee to conduct an annual evaluation of
17 the South Carolina Child Development Education Pilot Program and to issue findings in a report to the General Assembly by
18 January fifteenth of each year. To aid in this evaluation, the Education Oversight Committee shall determine the data necessary
19 and both public and private providers are required to submit the necessary data as a condition of continued participation in and
20 funding of the program. This data shall include developmentally appropriate measures of student progress. Additionally, the
21 Department of Education shall issue a unique student identifier for each child receiving services from a private provider. The
22 Department of Education shall be responsible for the collection and maintenance of data on the public state funded full day and
23 half-day four-year-old kindergarten programs. The Office of First Steps to School Readiness shall be responsible for the collection
24 and maintenance of data on the state funded programs provided through private providers. The Education Oversight Committee
25 shall use this data and all other collected and maintained data necessary to conduct a research based review of the program's
26 implementation and assessment of student success in the early elementary grades.

27 **1.59.** (SDE: Summer Reading Camps) For the current fiscal year, funds appropriated for summer reading camps must be
28 allocated as follows: (1) up to twenty percent to the Department of Education to provide bus transportation for students attending
29 the camps; (2) \$700,000 allocated to the department to provide grants to support community partnerships whereby community
30 organizations shall partner with local school districts to provide enrichment activities as part of after school programs or summer
31 reading camps that utilize volunteers, mentors or tutors to provide instructional support to struggling readers in elementary schools
32 that have a poverty index of forty percent or greater based on the poverty index utilized the prior fiscal year that was student
33 eligibility for the free or reduced price lunch program and Medicaid. All mentors and tutors that are a part of these after school
34 programs or summer reading camps must have passed a SLED criminal background check. Participant to volunteer or teacher ratio
35 must conform to that of the school district in which the program is located; and (3) the remainder on a per pupil allocation to each
36 school district based on the number of students who substantially failed to demonstrate third-grade reading proficiency as indicated

1 on the prior year's state assessment as defined by Section 59-155-120 (10) of the 1976 Code. Summer reading camps must be at
2 least six weeks in duration with a minimum of four days of instruction per week and four hours of instruction per day, or the
3 equivalent minimum hours of instruction in the summer. School transportation shall be provided. The camps must be taught by
4 compensated teachers who have at least an add-on literacy endorsement or who have documented and demonstrated substantial
5 success in helping students comprehend grade-level texts. The Department of Education shall assist districts that cannot find
6 qualified teachers to work in the summer camps. Districts may also choose to contract for the services of qualified instructors or
7 collaborate with one or more districts to provide a summer reading camp. Schools and school districts are encouraged to partner
8 with county or school libraries, institutions of higher learning, community organizations, faith-based institutions, businesses,
9 pediatric and family practice medical personnel, and other groups to provide volunteers, mentors, tutors, space, or other support to
10 assist with the provision of the summer reading camps. In the current school year, any student in third grade who substantially
11 fails to demonstrate third-grade reading proficiency by the end of the school year must be offered the opportunity to attend a
12 summer reading camp at no cost to the parent or guardian. The purpose of the reading camp is to provide students who are
13 significantly below third-grade reading proficiency with the opportunity to receive quality, intensive instructional services and
14 support. A district may also include in the summer reading camps students who are not exhibiting reading proficiency at any grade
15 and may charge fees for these students to attend the summer reading camps based on a sliding scale pursuant to Section 59-19-90,
16 except where a child is found to be reading below grade level in the first, second or third grade. A parent or guardian of a student
17 who does not substantially demonstrate proficiency in comprehending texts appropriate for his grade level must make the final
18 decision regarding the student's participation in the summer reading camp.

19 **1.60.** (SDE: Interscholastic Athletic Association Dues) A public school district supported by state funds shall not use any
20 funds or permit any school within the district to use any funds to join, affiliate with, pay dues or fees to, or in any way financially
21 support any interscholastic athletic association, body, or entity unless the constitution, rules, or policies of the association, body, or
22 entity contain the following:

23 (1) a range of sanctions that may be applied to a student, coach, team, or program and that takes into account factors such as
24 the seriousness, frequency, and other relevant factors when there is a violation of the constitution, bylaws, rules, or other governing
25 provisions of the association, body, or entity;

26 (2) (a) guarantees that private or charter schools are afforded the same rights and privileges that are enjoyed by all other
27 members of the association, body, or entity. A private or charter school may not be expelled from or have its membership
28 unreasonably withheld by the association, body, or entity or restricted in its ability to participate in interscholastic athletics
29 including, but not limited to, state playoffs or championships based solely on its status as a private school or charter school. The
30 association, body, or entity shall set reasonable standards for private or charter school admission. A private or charter school
31 denied membership must be provided, in writing within five business days, the reason or reasons for rejection of its application for
32 membership;

33 (b) guarantees that a South Carolina home school athletic team that is a member of a home school athletic association
34 may not be denied access to preseason and regular season interscholastic athletics including, but not limited to, jamborees and
35 invitational tournaments, based solely on its status as a home school athletic team; other rules or policies of the association, body,
36 or entity would apply;

(3) (a) an appeals process in which appeals of the association, body, or entity are made to a disinterested third-body appellate panel which consists of seven members who serve four year terms, with one person appointed by the delegation of each congressional district;

(b) a member of the panel serves until his successor is appointed and qualifies. A vacancy on the panel is filled in the manner of the original appointment;

(c) members of the appellate panel do not concurrently serve as officers of the association, body, or entity and may not have served as a member of the executive committee within the last three years. Principals and superintendents are able to appeal a ruling of the association, body, or entity to the panel. The appellate panel also must provide the final ruling in any appeal brought against a decision of the association, body, or entity;

(4) a procedure in place for emergency appeals to be held and decided upon in an expedited manner if the normal appellate process would prohibit the participation of a student, team, program, or school in an athletic event, to include practices;

(5) provisions, implemented within one year after the effective date of this section, that require the composition of the executive committee of the association, body, or entity be geographically representative of this State.

In the event an association, body, or entity fails to include one of the items listed in this proviso, public school districts and schools must end their affiliation with the association, body, or entity prior to the beginning of the upcoming school year and are prohibited from paying dues or fees to the association, body, or entity.

1.61. (SDE: Governor's Schools Informational Access to Students) For the current fiscal year, school districts must permit both the Governor's School for the Arts and Humanities and the Governor's School for Science and Mathematics to collaborate with individual schools and their staff to share information with students and families about the educational opportunities offered at the respective Governor's Schools, through avenues including school visits, informational presentations, and posters. By June thirtieth, of the current fiscal year, the Governor's School for the Arts and Humanities and the Governor's School for Science and Mathematics must report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee the results of these Informational Access efforts. Further, the two Governor's Schools will work with districts, the Department of Education and School Report Card administrators, to ensure that SAT scores of current Governor's Schools' students are included in the School Report Card of those students' resident schools and districts.

1.62. (SDE: Reading/Literacy Coaches) (A) Funds appropriated for Reading/Literacy Coaches must be allocated to school districts by the Department of Education as follows:

(1) for each elementary school in which twenty percent or more of the students scored below "meets expectations" on the reading sub score of the English language arts test in the most recent year for which such data are available, the school district shall be eligible to receive the lesser of up to \$62,730 or the actual cost of salary and benefits for a full-time reading/literacy coach; and

(2) for each elementary school in which fewer than twenty percent of the students scored as referenced in (A)(1), the school district shall be eligible to receive the lesser of up to \$31,365 or fifty percent of the actual cost of salary and benefits for a full-time reading/literacy coach. A school district must provide local support for state funds provided under this paragraph. School districts may use existing local funds currently used for reading assistance as the local support.

(B) By accepting these funds, a school district warrants that they will not be used to supplant existing school district expenditures, except for districts that either are currently, or in the prior fiscal year, were paying for reading/literacy coaches with

1 local funds. A district may, however, assign a reading/literacy coach to a primary school rather than to the elementary school to
2 improve the early literacy skills of young children.

3 (C) Funds appropriated for reading/literacy Coaches are intended to be used to provide elementary schools with reading/literacy
4 coaches who shall serve according to the provisions in Chapter 155 of Title 59.

5 (D) Schools and districts accepting funding to support a coaching position agree that the reading/literacy coach must not serve
6 as an administrator. If the department finds that school districts are using these funds for administrative costs as defined in statute
7 they must withhold that districts remaining balance of funds allocated pursuant to this proviso.

8 (E) The Department of Education must publish guidelines that define the minimum qualifications for a reading/literacy coach.
9 These guidelines must deem any licensed/certified teacher qualified if, at a minimum, he or she:

10 (1) holds a bachelor's degree or higher and an add-on endorsement for literacy coach or literacy specialist; or

11 (2) holds a bachelor's degree or higher and is actively pursuing the literacy coach or literacy specialist endorsement; or

12 (3) holds a master's degree or higher in reading or a closely-related field.

13 Within these guidelines, the Department of Education must assist districts in identifying a reading/literacy coach in the event that
14 the school is not successful in identifying and directly employing a qualified candidate. The provisions of subsection (A),
15 including the local support requirements, shall also apply to any allocations made pursuant to this paragraph.

16 (F) The Department of Education must develop procedures for monitoring the use of funds appropriated for reading/literacy
17 coaches to ensure they are applied to their intended uses and are not redirected for other purposes. The Department of Education
18 may receive up to \$100,000 of the funds appropriated for reading/literacy coaches in order to implement this program, provided
19 that this allocation does not exceed the department's actual costs.

20 (G) Prior to the close of the current fiscal year, any unspent or unallocated funds for reading/literacy coaches shall be used to
21 fund Summer Reading Camps.

22 (H) The Department of Education shall require:

23 (1) any school district receiving funding under subsection (A) to identify the name and qualifications of the supported
24 reading/literacy coach; as well as the school in which the coach is assigned; and

25 (2) any school district receiving funding under subsection (G) to account for the specific amounts and uses of such funds.

26 (I) With the data reported by the school districts, the department shall report by January fifteenth of the current fiscal year on
27 the hiring of and assignment of reading/literacy coaches by school. The department shall also report the amount of funds that will
28 be used for Summer Reading Camps.

29 (J) Funds appropriated for reading/literacy coaches shall be retained and carried forward to be used for the same purpose but
30 may not be flexed.

31 (K) For ~~Fiscal Year 2017-18~~ *the current fiscal year*, if increased funding for reading/literacy coaches is not sufficient to provide
32 additional reading/literacy coaches at each elementary school then the funding must be targeted to the areas of greatest need based
33 on the number of students substantially failing to demonstrate reading proficiency as indicated on the prior year's state assessment.

34 **1.63.** (SDE: Sports Participation) Any school receiving state funds shall be required to allow a military dependent student who
35 has transferred from their resident school district to another school district to participate in a sport that was not offered in the

1 resident school district. Should a school fail to comply with this provision, the Department of Education shall withhold one
2 percent of their total state allocation.

3 **1.64.** (SDE: Graduation Rates) For the current fiscal year, if a high school has a graduation rate below sixty percent, using
4 appropriated funds a local school district board of trustees must provide a report detailing a plan to increase the graduation rate in
5 accordance with the provisions of the Education Accountability Act to the State Board of Education.

6 **1.65.** (SDE: South Carolina Community Block Grants for Education Pilot Program) There is created the South Carolina
7 Community Block Grants for Education Pilot Program. The purpose of this matching grants program is to encourage and sustain
8 partnerships between a community and its local public school district or school for the implementation of innovative,
9 state-of-the-art education initiatives and models to improve student learning. The initiatives and models funded by the grant must
10 be well designed, based on strong evidence of effectiveness, and have a history of improved student performance.

11 The General Assembly finds that the success offered by these initiatives and programs is assured best when vigorous community
12 support is integral to their development and implementation. It is the intent of this proviso to encourage public school and district
13 communities and their entrepreneurial public educators to undertake state-of-the-art initiatives to improve student learning and to
14 share the results of these efforts with the state's public education community.

15 As used in this proviso:

16 (1) "Community" is defined as a group of parents, educators, and individuals from business, faith groups, elected officials,
17 nonprofit organizations and others who support the public school district or school in its efforts to provide an outstanding education
18 for each child. As applied to the schools impacted within a district or an individual school, "community" includes the school
19 faculty and the School Improvement Council as established in Section 59-20-60 of the 1976 Code;

20 (2) "Poverty" is defined as the percent of students eligible in the prior year for the free and reduced price lunch program and
21 or Medicaid; and

22 (3) "Achievement" is as established by the Education Oversight Committee for the report card ratings developed pursuant to
23 Section 59-18-900 of the 1976 Code.

24 The Executive Director of the Education Oversight Committee is directed to appoint an independent grants committee to
25 develop the process for awarding the grants including the application procedure, selection process, and matching grant formula.
26 The grants committee will be comprised of seven members, three members selected from the education community and four
27 members from the business community. The chairman of the committee will be selected by the committee members at the first
28 meeting of the grants committee. The grants committee will review and select the recipients of the Community Block Grants for
29 Education.

30 The criteria for awarding the grants must include, but are not limited to:

31 (1) the establishment and continuation of a robust community advisory committee to leverage funding, expertise, and other
32 resources to assist the district or school throughout the implementation of the initiatives funded through the Block Grant Program;

33 (2) a demonstrated ability to meet the match throughout the granting period;

34 (3) a demonstrated ability to implement the initiative or model as set forth in the application; and

35 (4) an explanation of the manner in which the initiative supports the district's or school's strategic plan required by Section
36 59-18-1310 of the 1976 Code.

1 In addition, the district or school, with input from the community advisory committee, must include:

- 2 (1) a comprehensive plan to examine delivery implementation and measure impact of the model;
- 3 (2) a report on implementation problems and successes and impact of the innovation or model; and
- 4 (3) evidence of support for the project from the school district administration when an individual school applies for a grant.

5 The match required from a grant recipient is based on the poverty of the district or school. No matching amount will exceed
6 more than seventy percent of the grant request or be less than ten percent of the request. The required match may be met by funds
7 or by in-kind donations, such as technology, to be further defined by the grants committee. Public school districts and schools that
8 have high poverty and low achievement will receive priority for grants when their applications are judged to meet the criteria
9 established for the grant program.

10 However, no grant may exceed \$250,000 annually unless the grants committee finds that exceptional circumstances warrant
11 exceeding this amount.

12 The Education Oversight Committee will review the grantee reports and examine the implementation of the initiatives and
13 models to understand the delivery of services and any contextual factors. The Oversight Committee will then highlight the
14 accomplishments and common challenges of the initiatives and models funded by the Community Block Grant for Education Pilot
15 Program to share the lessons learned with the state's public education community.

16 For the current fiscal year, funds allocated to the Community Block Grant for Education Pilot Program must be used to provide
17 or expand high-quality early childhood programs for a targeted population of at-risk four-year-olds. High-quality is defined as
18 meeting the minimum program requirements of the Child Early Reading Development and Education Program and providing
19 measurable high-quality child-teacher interactions, curricula and instruction. Priority will be given to applications that involve
20 public-private partnerships between school districts, schools, Head Start, and private child care providers who collaborate to: (1)
21 provide high-quality programs to four-year-olds to maximize the return on investment; (2) assist in making the transition to
22 kindergarten; (3) improve the early literacy, social and emotional, and numeracy readiness of children; and (4) engage families in
23 improving their children's readiness.

24 ~~1.66. (SDE: Board of Education Funds) For the current fiscal year, the Department of Education is authorized to carry forward~~
25 ~~funds appropriated in Part IA, Section 1, II. Board of Education. The State Board of Education is permitted to utilize these funds~~
26 ~~for innovative educational opportunities and projects. The Board of Education shall develop guidelines and publish them on the~~
27 ~~board's website.~~

28 **1.67.** (SDE: Proceeds from Sale of Bus Shop & Boat) For the current fiscal year the Department of Education is authorized to
29 retain any funds received from the sale of any bus shop and the sale of the state-owned boat and expend those funds for
30 transportation purposes.

31 **1.68.** (SDE: First Steps 4K Technology) During the current fiscal year, South Carolina Office of First Steps to School
32 Readiness is authorized to expend up to \$75,000 from the four-year-old kindergarten carry forward funds to purchase electronic
33 devices for the administration of required school readiness assessments to children enrolled in the full-day 4K program in private
34 centers in the current fiscal year. The State Office of First Steps may purchase one device, which would be the property of the
35 Office of First Steps, for every ten centers serving children in the program. The regional coordinators who provide support to the
36 centers shall coordinate the usage of the devices among the centers. First Steps shall provide a report documenting its technology

1 and materials expenditures to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means
2 Committee no later than January 15, ~~2018~~ 2019.

3 ~~1.69. (SDE: Teacher Salary Schedule Structure) The Department of Education shall convene stakeholders to include:~~
4 ~~Palmetto State Teachers Association, South Carolina School Business Officials, South Carolina Association of School~~
5 ~~Administrators, South Carolina School Boards Association, South Carolina Education Association, the Education Oversight~~
6 ~~Committee and CERRA to examine and make recommendations regarding changes to the statewide minimum state teacher salary~~
7 ~~schedule to include extending the steps on the state teacher salary schedule; an examination of the beginning teacher salary; and an~~
8 ~~examination of each district's salary schedule structure. The department shall also include information from each of the districts~~
9 ~~who are, or were, the original trial and plaintiff school districts in the Abbeville law suit regarding salary needs in those districts.~~
10 ~~Recommendations shall be provided on the modification of the teacher salary schedule structure and the potential fiscal impact on~~
11 ~~implementing the modification recommendations to the Chairman of the Senate Finance Committee and the Chairman of the~~
12 ~~House Ways and Means Committee by October 1, 2017.~~

13 **1.70.** (SDE: Teacher Certification Exemption) For the current fiscal year, a teacher certified at the secondary level may teach
14 such courses in grades seven through twelve without having the add on certification for middle-level education. Districts must
15 report to the Department of Education and the Center for Educator Recruitment Retention and Advancement on the teachers and
16 courses that utilize this exemption.

17 **1.71.** (SDE: Digital Instructional Materials) The Department of Education shall continue to create an instructional materials
18 list composed of those items (print and/or digital) that have received State Board of Education approval through the normal
19 adoption process. The department shall continue to work with the publishers of instructional materials to ensure that districts ~~who~~
20 ~~wish to receive both the digital version and class sets of textbooks may be awarded that option~~ print student editions, if needed.
21 Funds appropriated for the purchase of textbooks and ~~other~~ instructional materials (print/digital) may be used for reimbursing
22 school districts to offset the costs of refurbishing science kits on the state-adopted ~~textbook~~ instructional materials inventory,
23 purchasing new kits or those adopted as supplemental from the ~~central textbook depository~~ Central Depository, or a combination
24 of refurbishment and purchase. The refurbishing cost of kits may not exceed the cost of the state-adopted refurbishing kits plus a
25 reasonable amount for shipping and handling. Costs for staff development, personnel costs, equipment, or other costs associated
26 with refurbishing kits on state inventory are not allowable costs. Funds provided for Instructional Materials may be carried
27 forward from the prior fiscal year into the current fiscal year to be expended for the same purposes by the department, school
28 districts, and special schools. These funds are not subject to flexibility. ~~Digital Instructional Materials shall include the digital~~
29 ~~equivalent of materials and devices.~~

30 **1.72.** (SDE: CDEPP Unexpended Funds) For Fiscal Year ~~2017-18~~ 2018-19, the Office of First Steps to School Readiness is
31 permitted to retain the first \$1,000,000 of any unexpended CDEPP funds of the prior fiscal year and expend these funds to enhance
32 the quality of the full-day 4K program in private centers and provide professional development opportunities.

33 By August first, the Office of First Steps is directed to allocate any additional unexpended CDEPP funds from the prior fiscal
34 year and any CDEPP funds carried forward from prior fiscal years that were transferred to the restricted account for the following
35 purpose: Education Oversight Committee - \$1,000,000 for the South Carolina Community Block Grants for Education Pilot
36 Program.

1 If carry forward funds are less than the amounts appropriated, funding for the items listed herein shall be reduced on a pro rata
2 basis.

3 If by August first, the Department of Education or the Office of First Steps determines there will be funds available, funds shall
4 be allocated on a per pupil basis for districts eligible for participation first, who have a documented waiting list, then to districts to
5 increase the length of the program to a maximum of eight and a half hours per day or two hundred and twenty days per year or to
6 fund summer programs. If a district chooses to fund summer enrollment the program funding shall conform to the funding in this
7 act for full year programs, however shall be reduced on a pro rata basis to conform with the length of the program. A summer
8 program shall be no more than eight and a half hours per day and shall be not more than ten weeks in length. The per pupil
9 allocation and classroom grant must conform with the appropriated amount contained in this Act and end of year adjustments shall
10 be based on the one hundred and thirty five day student average daily membership or later student average daily membership for
11 districts choosing to extend the program past one hundred and eighty days. Funds may also be used to provide professional
12 development and quality evaluations of programs.

13 No later than April first, the Department of Education and the Office of First Steps must report to the Chairman of the Senate
14 Finance Committee and the Chairman of the House Ways and Means Committee on the expenditure of these funds to include the
15 following information: the amount of money used and specific steps and measures taken to enhance the quality of the 4K program
16 and the amount of money used for professional development as well as the types of professional development offered and the
17 number of participants.

18 **1.73.** (SDE: Technology Technical Assistance) Of the funds appropriated for the K-12 Technology Initiative, the department
19 is authorized to withhold up to \$350,000 in order to provide technology technical assistance to school districts.

20 ***1.74.** (SDE: Data Maintenance and Collection) *For the current fiscal year and from the funds appropriated to the*
21 *department to procure and maintain licenses for a new Education Evaluation Data System, the department shall work with*
22 *institutions of higher education to provide teacher preparation programs with aggregate, non-personally identifiable educator*
23 *effectiveness data related to domain performance ratings, student growth data, and overall final ratings for graduates of the*
24 *educator preparation program. Data collected on educator effectiveness shall remain private and shall be treated as personnel*
25 *records and shall not be subject to public disclosure for any reason. The data shared with institutions of higher education per*
26 *memorandum of agreement shall be used solely for the purpose of evaluating the educator preparation programs.*

27 ~~**1.75.** (SDE: Teacher Employment) Of the funds appropriated in the current fiscal year, a local school district superintendent or~~
28 ~~his designee shall provide a teacher with notice of dismissal and an opportunity for a hearing before the local board or its designee.~~
29 ~~Further, a local board may authorize a South Carolina licensed, practicing attorney to serve as hearing officer to conduct a hearing~~
30 ~~on the matter and make a report of its recommendations to the board within forty five days after receipt of notice of appeal. A~~
31 ~~hearing officer may not be a member of the board or an employee of the district. If the board designates a hearing officer, the~~
32 ~~report and recommendations of the hearing officer must be presented to the board in the form of a written order. In considering the~~
33 ~~report and recommendations, the board must have available to it the exhibits presented at the hearing and shall permit limited oral~~
34 ~~argument on behalf of the district and the teacher, allowing each party thirty minutes to present its respective argument. The board~~
35 ~~shall uphold the decision of the hearing officer if the evidence shows good and just cause for dismissal. The board shall issue a~~

1 ~~decision affirming or withdrawing the notice of suspension or dismissal within thirty days. The decision of the board may be~~
 2 ~~appealed to the circuit court.~~

3 **1.76.** (SDE: Technology Technical Assistance) Funds appropriated to the Department of Education for Technology Technical
 4 Assistance must be used to increase the capacity of districts who are or were the original trial and plaintiff school districts in the
 5 Abbeville law suit. Funds shall be used by the department to assist school districts in procuring appropriate technology to include
 6 devices and infrastructure in accordance with the recommendations made by the technology review team to begin to build capacity
 7 to offer online testing and increased access. For the current fiscal year districts and individual public charter schools may request a
 8 waiver from the State Board of Education from the requirement that all assessments be administered online.

9 ~~**1.77.** (SDE: Highly Qualified Teachers) For the current fiscal year teacher certification requirements for highly qualified~~
 10 ~~educators aligned to No Child Left Behind shall be suspended. The department shall report to the General Assembly by February~~
 11 ~~first on the updated Federal requirements under the Every Student Succeeds Act.~~

12 **1.78.** (SDE: Assistance Funding) For the current fiscal year, any funds appropriated to the Department of Education to assist
 13 districts that are or were Plaintiffs in the Abbeville law suit and funding appropriated to the department to provide technical
 14 assistance to underperforming districts may not be transferred to any other program, are not subject to flexibility, and may be
 15 carried forward and expended for the same purposes.

16 **1.79.** (SDE: Reporting and Procurement) Any state agency or school for which the department acts as the fiscal agent must
 17 comply with any state and federal reporting requirements using agency procedures and shall follow all state procurement laws.

18 **1.80.** (SDE: Abbeville Equity Districts Comprehensive Report) Of the appropriations and provision of services that are
 19 provided in the current fiscal year's budget for the Abbeville equity districts, the Department of Education must submit a
 20 comprehensive report to the General Assembly by January 1, 2018 on the current allocation of funds to the Abbeville equity
 21 districts and the provision of services to these districts.

22 **1.81.** (SDE: Computer Science Curriculum) Of the funds appropriated to the department for computer science, the department
 23 shall develop grade appropriate computer science standards that include computational thinking and computer coding for grades
 24 9-12. Experts and officials from higher education, business and industry must be included in the development of the standards.
 25 The department shall support K-12 academic and computer science teachers in designing interdisciplinary units and instructional
 26 practices that engage students in applying literacy, math, and computational thinking skills to solve problems.

27 **1.82.** (SDE: Military Child Care Centers) During the current fiscal year, South Carolina First Steps to School Readiness may
 28 extend four-year-old kindergarten provider eligibility to military child care settings regulated by the United States Department of
 29 Defense. State funds appropriated for use in military child care facilities must be used to expand service to CERDEP eligible
 30 children residing in school districts approved for participation during the prior fiscal year and may not be used to supplant any
 31 existing federal child care investment.

32 **1.83.** (SDE: First Steps 4K Underserved Communities) Using funds appropriated for the Child Early Reading and
 33 Development Education Program, South Carolina First Steps shall develop a pilot program to expand four-year-old kindergarten
 34 enrollment within underserved communities eligible for participation during the most recent fiscal year. Newly created and/or
 35 newly approved private providers proposing to expand service to ten or more CERDEP eligible children in communities enrolling
 36 less than 80% of eligible students in a public, private, or Head Start setting during the prior fiscal year, may apply for up to

\$30,000 in one-time supplemental, needs-based incentives designed to address building renovations, documented as necessary to bring proposed classrooms into compliance with licensing regulations, materials and staffing costs, and/or other obstacles currently preventing their participation in the First Steps 4K program. The First Steps Board of Trustees shall develop and approve an application process that incorporates formal review and fiscal safeguards designed to ensure grant funds are used solely to address documented barriers to program participation. Providers receiving this one-time supplement are expected to participate in the program and provide high-quality, center-based programs as defined herein for a minimum of three years. Failure to participate for three years will require the provider to return a portion of the supplemental allocation at a level determined by the Office of First Steps to School Readiness. First Steps shall submit a report detailing its process, expenditures and expanded enrollment to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee by March 15, ~~2018~~ 2019.

1.84. (SDE: School Leadership) Of the funds appropriated to and retained by the department for Professional Development, \$400,000 shall be used to contract with a non-profit leadership development provider. The provider must specialize in multiple assessments, executive coaching, and leadership development that provides the skills necessary for a progressive career path in school leadership.

~~**1.85.** (SDE: Carry Forward) For Fiscal Year 2017-18, the Department of Education is directed to allocate \$30,000,000 from carry forward or unencumbered or unobligated cash balances for the School Districts Capital Improvement Plan as set forth in this Act.~~

1.86. (SDE: Poverty) Students eligible in the prior fiscal year to receive funding according to the Poverty weighting in the Education Finance Act pursuant to proviso 1.3 in this Act, are eligible to receive those funds for ~~Fiscal Year 2017-18~~ the current fiscal year.

1.87. (SDE: School Bus Drivers) For the current fiscal year, a driver candidate must possess a valid driver's license that meets the requirements in State and Federal law to operate commercial and non-commercial school bus type vehicles with no restrictions other than vision correction to qualify for issuance. Driver candidates must complete all Department of Education classroom and behind-the-wheel training requirements, including a medical examination and drug/alcohol testing, for initial certification as well as all Department of Education required in-service training annually to qualify for continued certification.

~~**1.88.** (SDE: Committee on Educator Retention and Recruitment) From the funds appropriated to the department, the Superintendent of Education shall initiate convening a study committee to address the issue of educator recruitment and retention to include identification of the causes of teacher shortages and the state's educational system's future demand for teachers. The study committee shall develop recommendations for the General Assembly to consider which include, but are not limited to, building teacher recruitment; alternative certification; financial incentives; induction and mentorship; evaluation and feedback; and teacher leadership.~~

~~The study committee shall be comprised of the following members:~~

- ~~(1) Chairman of the Senate Education Committee, or his designee;~~
- ~~(2) Chairman of the House Education and Public Works Committee, or his designee;~~
- ~~(3) Chairman of the Senate Labor, Commerce, and Industry Committee, or his designee;~~
- ~~(4) Chairman of the House Labor, Commerce, and Industry Committee, or his designee;~~
- ~~(5) Senate Majority Leader, or his designee;~~

- 1 — (6) Senate Minority Leader, or his designee;
- 2 — (7) House Majority Leader, or his designee;
- 3 — (8) House Minority Leader, or his designee;
- 4 — (9) Chairman of the State Board of Education, or his designee;
- 5 — (10) Chairman of the Palmetto State Teacher's Association, or his designee;
- 6 — (11) Chairman of the South Carolina Education Association, or his designee;
- 7 — (12) Superintendent from a small School District appointed by the Governor;
- 8 — (13) Superintendent from a medium School District appointed by the Governor;
- 9 — (14) Superintendent from a large School District appointed by the Governor;
- 10 — Of the three Superintendents appointed by the Governor, at least one Superintendent must come from a plaintiff or trial district
- 11 in the Abbeville lawsuit;
- 12 — (15) Executive Director of CERRA;
- 13 — (16) Chairman of the Education Oversight Committee;
- 14 — (17) Two Deans of Colleges of Education appointed by the Governor; and
- 15 — (18) State Superintendent of Education who shall serve as Chairman of the Committee.
- 16 — Staff support shall be provided by the Department of Education, with assistance from the staffs of the Senate Education
- 17 Committee and the House Education and Public Works Committee, upon request. Findings and recommendations shall be
- 18 submitted to the General Assembly by December 31, 2017.
- 19 — **1.89.** (SDE: Big Brothers Big Sisters) Of the funds retained and carried forward by the Department of Education pursuant to
- 20 proviso 117.23, the Department of Education is directed to transfer up to \$50,000 to Big Brothers Big Sisters of the Upstate and up
- 21 to \$50,000 to Big Brothers Big Sisters — Carolina Youth Development Center to support educational activities.
- 22 — **1.90.** (SDE: Hold Harmless) The Department of Education shall distribute the \$5,000,000 appropriated from Proviso 8.2 for
- 23 the Education Foundation Supplement distributed to public school districts which would in the current fiscal year recognize a loss
- 24 in State financial requirement of the foundation program by utilizing an Index of Taxpaying Ability which imputes the assessed
- 25 value of owner occupied property compared to the State financial requirement of the same Index of Taxpaying Ability without an
- 26 imputed value of owner occupied homes. Funds in the Education Foundation Supplement must be distributed to the school
- 27 districts receiving a loss, in an amount equal to the amount of the loss. If funds are not sufficient to cover the full loss, funds will
- 28 be reduced on a pro rata basis. This supplement shall not require a local financial requirement.
- 29 — **1.91.** (SDE: Save the Children) Of the funds retained and carried forward by the Department of Education pursuant to proviso
- 30 117.23, the Department of Education is directed to transfer up to \$200,000 to Save the Children.
- 31 **1.92.** (SDE: Bus Lease) Of the funds appropriated in the current fiscal year for Bus Lease, the department shall be required to
- 32 lease buses. Further, when utilizing any revenue or funding for the replacement of the state bus fleet the department shall be
- 33 required to lease and prioritize the replacement of the Type D 1995/96 buses in the fleet and those that may present the greatest
- 34 potential safety hazard.
- 35 **1.93.** (SDE: Statewide Charter Schools Transportation) Funds appropriated for Statewide Charter Schools Transportation
- 36 shall be utilized by the department for the purpose of offsetting expenses associated with operation, logistics, and leasing of

additional buses that are used to provide transportation to students of statewide public charter schools. Authorizers of public charter schools in South Carolina shall work with the department to coordinate logistics of transporting students to and from public charter schools.

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

1A.1. (SDE-EIA: Prohibition on Appropriation Transfers) The amounts appropriated herein for aid to subdivisions or allocations to school districts shall not be transferred or reduced and must be expended in accordance with the intent of the appropriation. However, transfers are authorized from allocations to school districts or special line items with projected year-end excess appropriations above requirements, to allocations to school districts or special line items with projected deficits in appropriations.

1A.2. (SDE-EIA: African-American History) Funds provided for the development of the African-American History curricula may be carried forward into the current fiscal year. Funds that are currently a salary line item will be reallocated for the development of instructional materials and programs and the implementation of professional learning opportunities that promote African American history and culture. For ~~Fiscal Year 2017-18~~ the current fiscal year not less than seventy percent of the funds carried forwarded must be expended for the development of additional instructional materials by nonprofit organizations or school districts selected through a grant process by the Department of Education.

1A.3. (SDE-EIA: Teacher Evaluations, Implementation/Education Oversight) The Department of Education is directed to oversee the evaluation of teachers at the School for the Deaf and the Blind, the John de la Howe School and the Department of Juvenile Justice under the ADEPT model.

1A.4. (SDE-EIA: Teacher Salaries/State Agencies) Each state agency which does not contain a school district but has instructional personnel shall receive an appropriation as recommended by the Education Oversight Committee and funded by the General Assembly for teacher salaries based on the following formula: Each state agency shall receive such funds as are necessary to adjust the pay of all instructional personnel to the appropriate salary provided by the salary schedules of the school district in which the agency is located. Instructional personnel may include all positions which would be eligible for EIA supplements in a public school district, and may at the discretion of the state agency, be defined to cover curriculum development specialists, educational testing psychologists, psychological and guidance counselors, and principals. The twelve-month agricultural teachers located at Clemson University are to be included in this allocation of funds for base salary increases. The South Carolina Governor's School for the Arts and Humanities and the South Carolina Governor's School for Science and Mathematics are authorized to increase the salaries of instructional personnel by an amount equal to the percentage increase given by the School District in which they are both located.

Teacher salary increases recommended by the Education Oversight Committee and funded in this Act shall be incorporated into each agency's EIA appropriation contained in Section 1, VIII.E.

1A.5. (SDE-EIA: Work-Based Learning) Of the funds appropriated in Part IA, Section 1, VIII.A.1. for the Work-Based Learning Program, \$75,000 shall be used by the State Department of Education to provide for regional professional development in contextual methodology techniques and integration of curriculum, and professional development in career guidance for teachers

1 and guidance counselors and training mentors. Pilot-site delivery of contextual methodology training in mathematics will be
2 supported by technology and hands-on lab activities. In addition, \$500,000 shall be allocated for Regional Career Specialists.
3 Each Regional Career Specialist shall (1) be housed within the regional centers/WIA geographic areas, (2) provide career
4 development activities throughout all schools within the region, (3) be under the program supervision of the Office of Career and
5 Technology Education, State Department of Education, and (4) adhere to an accountability and evaluation plan created by the
6 Office of Career and Technology Education, State Department of Education. The Office of Career and Technology Education,
7 State Department of Education, shall provide a report, in February of the current fiscal year to the Senate Finance Committee and
8 the House Ways and Means Committee on accomplishments of the Career Counseling Specialists. Of the funds appropriated in the
9 prior fiscal year, unexpended funds may be carried forward to the current fiscal year and expended for the same purposes.

10 **1A.6.** (SDE-EIA: CHE/Teacher Recruitment) Of the funds appropriated in Part IA, Section 1, VIII.E. for the Teacher
11 Recruitment Program, the South Carolina Commission on Higher Education shall distribute a total of ninety-two percent to the
12 Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) for a state teacher recruitment program,
13 of which at least seventy-eight percent must be used for the Teaching Fellows Program specifically to provide scholarships for
14 future teachers, and of which twenty-two percent must be used for other aspects of the state teacher recruitment program, including
15 the Teacher Cadet Program and \$166,302 which must be used for specific programs to recruit minority teachers: and shall
16 distribute eight percent to South Carolina State University to be used only for the operation of a minority teacher recruitment
17 program and therefore shall not be used for the operation of their established general education programs. Working with districts
18 with an absolute rating of At-Risk or Below Average, CERRA will provide shared initiatives to recruit and retain teachers to
19 schools in these districts. CERRA will report annually by October first to the Education Oversight Committee and the Department
20 of Education on the success of the recruitment and retention efforts in these schools. The South Carolina Commission on Higher
21 Education shall ensure that all funds are used to promote teacher recruitment on a statewide basis, shall ensure the continued
22 coordination of efforts among the three teacher recruitment projects, shall review the use of funds and shall have prior program and
23 budget approval. The South Carolina State University program, in consultation with the Commission on Higher Education, shall
24 extend beyond the geographic area it currently serves. Annually, the Commission on Higher Education shall evaluate the
25 effectiveness of each of the teacher recruitment projects and shall report its findings and its program and budget recommendations
26 to the House and Senate Education Committees, the State Board of Education and the Education Oversight Committee by October
27 first annually, in a format agreed upon by the Education Oversight Committee and the Department of Education.

28 With the funds appropriated CERRA shall also appoint and maintain the South Carolina Teacher Loan Advisory Committee.
29 The Committee shall be composed of one member representing each of the following: (1) Commission on Higher Education; (2)
30 State Board of Education; (3) Education Oversight Committee; (4) Center for Educator Recruitment, Retention, and Advancement;
31 (5) South Carolina Student Loan Corporation; (6) South Carolina Association of Student Financial Aid Administrators; (7) a local
32 school district human resources officer; (8) a public higher education institution with an approved teacher education program; and
33 (9) a private higher education institution with an approved teacher education program. The members of the committee representing
34 the public and private higher education institutions shall rotate among those institutions and shall serve a two-year term on the
35 committee. The committee must be staffed by CERRA, and shall meet at least twice annually. The committee's responsibilities
36 are limited to: (1) establishing goals for the Teacher Loan Program; (2) facilitating communication among the cooperating

1 agencies; (3) advocating for program participants; and (4) recommending policies and procedures necessary to promote and
2 maintain the program.

3 **1A.7.** (SDE-EIA: Disbursements/Other Entities) Notwithstanding the provisions of Sections 2-7-66 and 11-3-50, South
4 Carolina Code of Laws, it is the intent of the General Assembly that funds appropriated in Part IA, Section 1, VIII.E. Other State
5 Agencies and Entities shall be disbursed on a quarterly basis by the Department of Revenue directly to the state agencies and
6 entities referenced except for the Teacher Loan Program, Centers of Excellence, the Education Oversight Committee and School
7 Technology, which shall receive their full appropriation at the start of the fiscal year from available revenue. The Comptroller
8 General's Office is authorized to make necessary appropriation reductions in Part IA, Section 1, VIII.E. to prevent duplicate
9 appropriations. If the Education Improvement Act appropriations in the agency and entity respective sections of the General
10 Appropriations Act at the start of the fiscal year do not agree with the appropriations in Part IA, Section 1, VIII.E. Other State
11 Agencies and Entities, the "other funds" appropriations in the respective agency and entity sections of the General Appropriations
12 Act will be adjusted by the Comptroller General's Office to conform to the appropriations in Part IA, Section 1, VIII.E. Other State
13 Agencies and Entities. Further, the Department of Revenue is directed to provide the full appropriation of the funding appropriated
14 in Part IA, Section 1, VIII.C.2. Teacher Supplies to the Department of Education at the start of the fiscal year from available
15 revenue. The Department of Revenue is also directed to provide the first quarter appropriation of the funding appropriated in Part
16 IA, Section 1, VIII.G. Charter School District to the Department of Education at the start of the fiscal year from available revenue.

17 **1A.8.** (SDE-EIA: Arts in Education) Funds appropriated in Part IA, Section 1, VIII.A.1. Arts Curricula shall be used to support
18 innovative practices in arts education curriculum, instruction, and assessment in the visual and performing arts including dance,
19 music, theatre, and visual arts which incorporates strengths from the Arts in Education sites. They shall also be used to support the
20 advancement of the implementation of the visual and performing arts academic standards. These funds shall be distributed to
21 schools and school districts under a competitive grants program; however, up to thirty-three percent of the total amount of the grant
22 fund shall be made available as "Aid to Other Agencies" to facilitate the funding of professional development arts institutes that
23 have been approved by the State Department of Education for South Carolina arts teachers, appropriate classroom teachers, and
24 administrators. Arts Curricular Grants funds may be retained and carried forward into the current fiscal year to be expended in
25 accordance with the proposed award.

26 **1A.9.** (SDE-EIA: Teacher Supplies) All certified and non-certified public school teachers identified in PCS, certified special
27 school classroom teachers, certified media specialists, certified guidance counselors, and career specialists who are employed by a
28 school district, a charter school, or lead teachers employed in a publically funded full day 4K classroom approved by the South
29 Carolina First Steps to School Readiness, as of November thirtieth of the current fiscal year, based on the public decision of the
30 school board may receive reimbursement of two hundred seventy-five dollars each school year to offset expenses incurred by them
31 for teaching supplies and materials. Funds shall be disbursed by the department to School districts by July fifteenth based on the
32 last reconciled Professional Certified Staff (PCS) listing from the previous year. With remaining funds for this program, any
33 deviation in the PCS and actual teacher count will be reconciled by December thirty-first or as soon as practicable thereafter.
34 Based on the public decision of the school district and no later than May fifteenth annually, the district shall notify all individuals
35 entitled to receive these funds the manner in which the funds will be dispersed. Funds may be disbursed to each teacher via check
36 in a manner separate and distinct from their payroll check on the first day teachers, by contract, are required to be in attendance at

1 school for the current contract year, or the funds may be disbursed to each teacher via direct deposit as long as the funds are
2 handled in a manner to be separate and distinct from their payroll check. This reimbursement shall not be considered by the state
3 as taxable income. Special schools include the Governor's School for Science and Math, the Governor's School for the Arts and
4 Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab,
5 Department of Juvenile Justice, and Palmetto Unified School District. Funds distributed to school districts or allocated to schools
6 must not supplant existing supply money paid to teachers from other sources. If a school district requires receipts for tax purposes
7 the receipts may not be required before December thirty-first. Districts that do not wish to require receipts may have teachers
8 retain the receipts and certify for the district they have received the allocation for purchase of teaching supplies and/or materials
9 and that they have purchased or will purchase supplies and/or materials during the fiscal year for the amount of the allocation.
10 Districts shall not have an audit exception related to non-retention of receipts in any instances where a similar instrument is
11 utilized. Any district requiring receipts must notify any teacher from whom receipts have not been submitted between November
12 twenty-fifth and December sixth that receipts must be submitted to the district. Districts may not add any additional requirement
13 not listed herein related to this reimbursement.

14 Any classroom teacher, including a classroom teacher at a South Carolina private school, that is not eligible for the
15 reimbursement allowed by this provision, may claim a refundable income tax credit on the teacher's ~~2017~~ 2018 tax return,
16 provided that the return or any amended return claiming the credit is filed prior to the end of the fiscal year. The credit is equal to
17 two hundred seventy-five dollars, or the amount the teacher expends on teacher supplies and materials, whichever is less. If any
18 expenditures eligible for a credit are made after December thirty-first, the teacher may include the expenditures on his initial return
19 or may file an amended ~~2017~~ 2018 return claiming the credit, so long as the return or amended return is filed in this fiscal year.
20 The Department of Revenue may require whatever proof it deems necessary to implement the credit provided by this part of this
21 provision. Any person receiving the reimbursement provided by this proviso is ineligible to take the income tax credit allowed by
22 this proviso.

23 **1A.10.** (SDE-EIA: Teacher of the Year Awards) Of the funds provided herein for Teacher of the Year Awards, each district
24 Teacher of the Year shall receive an award of \$1,000. In addition, the State Teacher of the Year shall receive an award of \$25,000,
25 and each of the four Honor Roll Teachers of the Year will receive an award of \$10,000. To be eligible, districts must participate in
26 the State Teacher of the Year Program sponsored by the State Department of Education. These awards shall not be subject to
27 South Carolina income taxes.

28 **1A.11.** (SDE-EIA: EOC) The Education Oversight Committee may collect, retain and expend revenue from conference
29 registration and fees; charges for materials supplied to local school districts or other entities not otherwise mandated to be provided
30 by state law; and from other activities or functions sponsored by the committee including public awareness campaign activities.
31 Any unexpended revenue from these sources may be carried forward into the current fiscal year and expended for the same
32 purposes.

33 **1A.12.** (SDE-EIA: Technical Assistance) In order to best meet the needs of underperforming schools, funds appropriated for
34 technical assistance must be used to provide intensive support to schools and districts with an absolute rating of below average or
35 at-risk on the most recent annual school report card or with the lowest percentages of students meeting state standards on state
36 assessments on the most recent state assessments or with the lowest high school graduation rates. The department will create a

1 system of tiers of technical assistance for low-performing schools and districts that will receive technical assistance. The tiers will
2 be determined by factors that include, but are not limited to, length of time performance of the school or district has been
3 at-risk/below average, annual achievement ratings, annual growth ratings, school or district accreditation, and/or financial risk
4 status. The tiers of technical assistance may include a per student allocation, placement of a principal mentor, transformation
5 coach, instructional leader, replacement of the principal, reconstitution of a school, and declaration of a state of emergency.
6 Low-performing schools and districts shall be placed within the tiered technical assistance framework not later than December
7 fifteenth.

8 Low-performing schools shall receive a diagnostic review through the department. In addition, newly identified
9 low-performing schools and districts must be reviewed by an External Review Team in the year of designation, and every third
10 year thereafter. These reports shall be made available on the Department of Education's website; any information pertaining to
11 personnel matters or containing personally identifiable information shall be exempted. Based upon the recommendations in the
12 review(s), low-performing schools and districts must develop and submit to the Department of Education an updated school
13 renewal or district strategic plan outlining goals for improvements. The amended plans must address specific strategies designed to
14 increase student achievement and must include measures to evaluate the success of implementation of the plan.

15 With the funds appropriated to the Department of Education, and any experts placed in the school or district for technical
16 assistance services, the department will assist low-performing schools and districts in designing and implementing the strategies
17 and measurement identified in the amended plans and in brokering for technical assistance personnel as stipulated in the plan. In
18 addition, the department must monitor student academic achievement and progress on implementation and report their findings to
19 the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Chairman of the
20 Senate Education Committee, the Chairman of the House Education and Public Works Committee, the local legislative delegation,
21 and the Governor in the fall following the school or district designation as low-performing. If the school or school district does not
22 provide the evaluation information necessary to determine effective use, the principal of the school or the district superintendent
23 may be subject to receiving a public reprimand by the State Board of Education if it is determined that those individuals are
24 responsible for the failure to provide the required information.

25 Funds must be used by the department for implementation and delivery of technical assistance services. Using previous report
26 card data and monitoring reports on the status of implementation of the school renewal plan, the department shall identify priority
27 schools. Funds appropriated for technical assistance shall be used by the department to work with those schools identified as
28 low-performing and to support priority schools under the tiered system. These funds shall not be transferred to any other funding
29 category by the school district without prior approval of the State Superintendent of Education and funds are not subject to agency
30 flexibility provisions.

31 Reconstitution means the redesign or reorganization of the school, which may include the declaration that all positions in the
32 school are considered vacant. Certified staff currently employed in priority schools must undergo an evaluation in the spring
33 following the school's identification as a priority school and must meet determined goals to be rehired and continue their
34 employment at that school. Educators who were employed at a school that is being reconstituted prior to July 2009, and to whom
35 the employment and dismissal laws apply will not lose their rights in the reconstitution. If they are not rehired or are not assigned
36 to another school in the school district they have the opportunity for a hearing. However, employment and dismissal laws shall not

1 apply to educators who are employed in the district and assigned to the priority schools July 1, 2009, in the event of a
2 reconstitution of the school in which the educator is employed. Those rights are only suspended in the event of a reconstitution of
3 the entire school staff. Additionally, the rights and requirements of the employment and dismissal laws do not apply to educators
4 who on July 1, 2009, were on an induction or annual contract, that subsequently were offered continuing contract status after the
5 effective date of this proviso, and are employed at a school that is subject to reconstitution under this proviso.

6 The reconstitution of a school could take place if the school has been identified as a priority school that has failed to improve
7 satisfactorily. The decision to reconstitute a school shall be made by the State Superintendent of Education in consultation with the
8 principal the school board of trustees, and the district superintendent. The decision to reconstitute a school shall be made by April
9 first, at which time notice shall be given to all employees of the school. The department, in consultation with the district
10 superintendent, shall develop a staffing plan and a budget for each reconstituted school.

11 The State Superintendent of Education may declare a state of emergency in a district if the accreditation status is probation or
12 denied, if a majority of the schools fail to show improvement, if the district is classified as being in "high risk" status financially, or
13 for financial mismanagement resulting in a deficit. The State Superintendent of Education may declare a state of emergency in a
14 school if the accreditation status is probation or denied, or if the school fails to show improvement. Upon declaration of a state of
15 emergency, the Superintendent may take over management of the school or district. Management of the school or district may
16 include direct management, consolidation with another district, charter management, public/private management, or contracting
17 with an educational management organization or another school district.

18 **1A.13.** (SDE-EIA: Proviso Allocations) In the event an official EIA revenue shortfall is declared by the Board of Economic
19 Advisors, the Department of Education may reduce any allocation in Section 1A specifically designated by proviso in accordance
20 with the lower Board of Economic Advisors revenue estimate as directed by the Executive Budget Office. No allocation for
21 teacher salaries shall be reduced as a result of this proviso.

22 **1A.14.** (SDE-EIA: School Districts and Special Schools Flexibility) All school districts and special schools of this State may
23 transfer and expend funds among appropriated state general fund revenues, Education Improvement Act funds, *and* Education
24 Lottery Act funds, and funds received from the Children's Education Endowment Fund for school facilities and fixed equipment
25 assistance, to ensure the delivery of academic and arts instruction to students. However, a school district may not transfer funds
26 allocated specifically for state level maintenance of effort requirements under IDEA, funds allocated specifically for state level
27 maintenance of effort requirement for federal program, funds provided for the Education and Economic Development Act, funds
28 provided for Career and Technology Education, funds provided for technology nor required for debt service or bonded
29 indebtedness. All school districts and special schools of this State may suspend professional staffing ratios and expenditure
30 regulations and guidelines at the sub-function and service area level, except for four-year old programs and programs serving
31 students with disabilities who have Individualized Education Programs.

32 In order for a school district to take advantage of the flexibility provisions, at least seventy-five percent of the school district's
33 per pupil expenditures must be utilized within the In\$ite categories of instruction, instructional support, and only transportation,
34 food service, and safety within non-instruction pupil services. No portion of the seventy-five percent may be used for facilities,
35 business services, debt service, capital outlay, program management, and leadership services, as defined by In\$ite. The school
36 district shall report to the Department of Education the actual percentage of its per pupil expenditures used for classroom

1 instruction, instructional support, and transportation, food service, and safety within non-instruction pupil services for the current
2 school year ending June thirtieth. Salaries of on-site principals must be included in the calculation of the district's per pupil
3 expenditures.

4 "In\$ite" means the financial analysis model for education programs utilized by the Department of Education.

5 School districts are encouraged to reduce expenditures by means, including, but not limited to, limiting the number of low
6 enrollment courses, reducing travel for the staff and the school district's board, reducing and limiting activities requiring dues and
7 memberships, reducing transportation costs for extracurricular and academic competitions, restructuring administrative staffing,
8 and expanding virtual instruction.

9 School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year.

10 Prior to implementing the flexibility authorized herein, school districts must provide to Public Charter Schools the per pupil
11 allocation due to them for each categorical program.

12 Quarterly throughout the current fiscal year, the chairman of each school district's board and the superintendent of each school
13 district must certify where non-instructional or nonessential programs have been suspended and the specific flexibility actions
14 taken. The certification must be in writing, signed by the chairman and the superintendent, delivered electronically to the State
15 Superintendent of Education, and an electronic copy forwarded to the Chairman of the Senate Finance Committee, the Chairman of
16 the Senate Education Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House
17 Education and Public Works Committee. Additionally, the certification must be presented publicly at a regularly called school
18 board meeting, and the certification must be conspicuously posted on the internet website maintained by the school district.

19 For the current fiscal year, Section 59-21-1030 is suspended. The foreign language program assessment, and the physical
20 education assessment must be suspended. School districts and the Department of Education are granted permission to purchase the
21 most economical type of bus fuel.

22 For the current fiscal year, savings generated from the suspension of the assessments enumerated above must be allocated to
23 school districts based on weighted pupil units.

24 School districts must maintain a transaction register that includes a complete record of all funds expended over one hundred
25 dollars, from whatever source, for whatever purpose. The register must be prominently posted on the district's internet website and
26 made available for public viewing and downloading. The register must include for each expenditure:

27 (i) the transaction amount;

28 (ii) the name of the payee; and

29 (iii) a statement providing a detailed description of the expenditure.

30 The register must not include an entry for salary, wages, or other compensation paid to individual employees. The register must
31 not include any information that can be used to identify an individual employee. The register must be accompanied by a complete
32 explanation of any codes or acronyms used to identify a payee or an expenditure. The register must be searchable and updated at
33 least once a month.

34 Each school district must also maintain on its internet website a copy of each monthly statement for all of the credit cards
35 maintained by the entity, including credit cards issued to its officers or employees for official use. The credit card number on each

statement must be redacted prior to posting on the internet website. Each credit card statement must be posted not later than the thirtieth day after the first date that any portion of the balance due as shown on the statement is paid.

The Comptroller General must establish and maintain a website to contain the information required by this section from a school district that does not maintain its own internet website. The internet website must be organized so that the public can differentiate between the school districts and search for the information they are seeking.

~~School districts that do not maintain an internet website must transmit all information required by this provision to the Comptroller General in a manner and at a time determined by the Comptroller General to be included on the internet website.~~

The provisions contained herein do not amend, suspend, supersede, replace, revoke, restrict, or otherwise affect Chapter 4, Title 30, of the South Carolina Freedom of Information Act. Nothing in this proviso shall be interpreted as prohibiting the State Board of Education to exercise its authority to grant waivers under Regulation 43-261.

1A.15. (SDE-EIA: Teacher Salary Supplement) The department is directed to carry forward prior year unobligated teacher salary supplement and related employer contribution funds into the current fiscal year to be used for the same purpose. Any unexpended funds in teacher salary supplement may be used to fund shortfalls in the associated employer contribution funding in the current fiscal year.

1A.16. (SDE-EIA: Dropout Prevention and High Schools That Work Programs) The Department of Education must report annually by December first, to the Governor, the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Education Committee, and the Chairman of the House Education and Public Works Committee on the effectiveness of dropout prevention programs funded by the Education and Economic Development Act and on the High Schools that Work Programs' progress and effectiveness in providing a better prepared workforce and student success in post-secondary education. The department, school districts, and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal that were allocated for High Schools That Work.

1A.17. (SDE-EIA: Assessment) The department is authorized to carry forward into the current fiscal year, prior year state assessment funds for the same purpose. Reimbursements shall resume in the current fiscal year for PSAT, pre-ACT or 10th grade Aspire.

1A.18. (SDE-EIA: Report Card Information) The percentage each school district expended on classroom instruction as defined by the Department of Education's InSite classification for "Instruction" must be printed on the Annual School and District Report Card.

1A.19. (SDE-EIA: Core Curriculum Materials) The funds appropriated in Part IA, Section 1, VIII.A.3 for instructional materials for core curriculum shall be expended consistent with the requirements of Section 59-31-600 of the 1976 Code requiring the development of higher order thinking skills and critical thinking which should be integrated throughout the core curriculum instructional materials. Furthermore, the evaluation criteria used to select instructional materials with funds appropriated in Part IA, Section 1, VIII.A.3 shall include a weight of up to ten percent of the overall criteria to the development of higher order thinking skills and critical thinking.

1A.20. (SDE-EIA: Certified Staff Technology Proficiency) To ensure the effective and efficient use of the funding provided by the General Assembly in Part IA, Section 1 VIII.D. for school technology in the classroom and internet access, the State Department of Education shall approve district technology plans that specifically address and incorporate certified staff technology

competency standards and local school districts must require certified staff to demonstrate proficiency in these standards as part of each certified staff's Professional Development plan. District adopted technology proficiency standards and plans should be, at minimum, aligned to the International Society for Technology in Education (ISTE) teacher standards. Evidence that districts are meeting the requirement is a prerequisite to expenditure of a district's technology funds.

1A.21. (SDE-EIA: Accountability Program Implementation) To support implementation of the accountability program, the Education Oversight Committee may carry forward unexpended Education Accountability Act funds authorized specifically for the administration of the Education Oversight Committee. For the current fiscal year the Education Oversight Committee may carry forward prior year EIA South Carolina Community Block Grants for Education Pilot Program funds not awarded by the grant committee. These funds must be used for an independent common evaluation of each awarded grant to ensure high quality programs that maximize a return on the state's investment.

1A.22. (SDE-EIA: 4K Targeting) EIA funds allocated for the provision of four-year-old kindergarten shall be utilized for the provision of services to age-eligible children qualifying for free or reduced-price lunch or Medicaid. Children with developmental delays documented through state approved screening assessments or children with medically documented disabilities who do not already qualify for special need services should also be considered for enrollment. In the event that more students seek to enroll than available space permits, districts shall prioritize students (at the time of acceptance) on the basis of family income expressed as a percentage of the federal poverty guidelines, with the lowest family incomes given the highest enrollment priority.

1A.23. (SDE-EIA: Reading) ~~Of the funds appropriated for reading/literacy, the Department of Education, schools, and districts shall ensure that resources are utilized to improve student achievement in reading/literacy. To focus on the importance of early reading and writing skills and to ensure that all students acquire reading/literacy skills by the end of grade three, fifty percent of the appropriation shall be directed toward acquisition of reading proficiency to include, but not be limited to, strategies in phonemic awareness, phonics, fluency, vocabulary, and comprehension. Forty percent of the appropriation shall be directed toward classroom instruction and intervention to focus on struggling readers and writers in grades four through eight. Ten percent of the appropriation should be directed toward acceleration to provide additional opportunities for deepening and refinement of literacy skills.~~

~~Fifty percent of the funds shall be allocated to school districts based on the number of weighted pupil units in each school district in proportion to the statewide weighted pupil units using the one hundred thirty five day count of the prior school year. Fifty percent of the funds shall be~~ The funds allocated to the Department of Education for reading shall be used to provide districts with research-based strategies and professional development and to work directly with schools and districts to assist with implementation of research-based strategies. When providing professional development the department and school districts must use the most cost effective method and when able utilize ETV to provide such services throughout the state. The department shall ~~provide for an evaluation to review first year implementation activities and to~~ establish measurements for monitoring impact on student achievement.

1A.24. (SDE-EIA: Students at Risk of School Failure) For the current fiscal year, EIA funds appropriated for students at academic risk of school failure, must be allocated to school districts based upon two factors: (1) poverty as determined for the poverty add on weight in Proviso 1.3; and (2) the number of weighted pupil units identified in the prior fiscal year as in need of academic assistance. At least eighty-five percent of the funds must be spent on instruction and instructional support for students at

academic risk. Instructional support may include family literacy and parenting programs to students at-risk for school failure and their families. Students at academic risk are defined as students who are not meeting grade level standards in English language arts/reading and mathematics as evidenced by summative state assessments in grades three through eight or students who are not on track to meeting or exceeding English language arts/reading or mathematics standards by the end of third grade. Public charter schools, the Palmetto Unified School District, and the Department of Juvenile Justice must also receive a proportionate per pupil allocation based on the number of students at academic risk of school failure served.

1A.25. (SDE-EIA: Professional Development) Of the funds appropriated to the department for professional development, up to \$500,000 may be expended for gifted and talented teacher endorsement and certification activities. ~~The balance of EIA funds appropriated for professional development must be allocated to districts based on the number of weighted pupil units in each school district in proportion to the statewide weighted pupil units using the one hundred thirty five day count of the prior school year. The funds must be expended on professional development for certificated instructional and instructional leadership personnel in grades kindergarten through twelve across all content areas, including teaching in and through the arts and using technology in classroom instruction. No more than twenty five percent of the funds appropriated for professional development may be retained by the Department of Education for the administration and provision of other professional development services which must be targeted to districts who are or were the original trial and plaintiff school districts in the Abbeville law suit and districts experiencing greater than eleven percent average annual educator turnover to increase the capacity of educators and leaders in those districts. The Department of Education must provide professional development on assessing student mastery of the content standards through classroom, formative and end-of-year assessments. The Department of Education also must post on the agency's website the South Carolina Professional Development Standards and provide training through telecommunication methods to school leadership on the professional development standards. The department is authorized to carry forward and expend professional development funds for the same purpose.~~

Of the funds appropriated for Computer Science and Coding Education, \$3,100,000 shall be utilized by the department to provide intensive professional development for computer science and coding courses. The professional development course must be no longer than 10 consecutive days and be focused on training teachers to teach computer science or coding curriculum for the first time. The course must also provide teachers with the instruction necessary to teach both AP and non-AP curriculum. The professional development course must provide follow up support to teachers throughout the year and no cost computer science and coding curriculum for grades K-12.

1A.26. (SDE-EIA: Assessments-Gifted & Talented, Advanced Placement, & International Baccalaureate Exams) Funds appropriated and/or authorized for assessment shall be used for assessments to determine eligibility of students for gifted and talented programs and for the cost of Advanced Placement and International Baccalaureate exams.

1A.27. (SDE-EIA: Adult Education) A minimum of thirty percent of the funds appropriated for adult education must be allocated to school districts to serve adult education students between the ages of seventeen and twenty-one who are enrolled in programs leading to a state high school diploma, state high school equivalency diploma (GED), or career readiness certificate (WorkKeys). The remaining funds will be allocated to districts based on a formula which includes factors such as target populations without a high school credential, program enrollment the previous school year, number of students making an educational gain the previous school year, and performance factors such as number of high school credentials and career readiness

certificates awarded the previous school year. Overall levels of state funding must meet the federal requirement of state maintenance of effort. Each school district must collect information from both the student and the school including why the student has enrolled in Adult Education and whether or not the student is pursuing a GED or Diploma. The school district must then provide a quarterly report to the Department of Education and must include the unique student identifier. The department, in turn, will provide summary information to the House Ways and Means Committee, the House Education and Public Works Committee, the Senate Finance Committee and the Senate Education Committee on the information. Up to a maximum of \$300,000, of funds may be used to establish an initiative by which qualifying adult education students may qualify for a free high school equivalency test. The Department of Education shall establish guidelines for the free high school equivalency testing initiative.

1A.28. (SDE-EIA: Clemson Agriculture Education Teachers) The funds appropriated in Part IA, Section VIII.E. for Clemson Agriculture Education Teachers must be transferred to Clemson University PSA to fund summer employment of agriculture teachers and to cover state-mandated salary increases on that portion of the agriculture teachers' salaries attributable to summer employment. If sufficient funds remain, Clemson University PSA may utilize such funds for a Regional Coordinator.

1A.29. (SDE-EIA: Full-Day 4K) Eligible students residing in a school district that met the poverty level for participation in the prior school year are eligible to participate in the South Carolina Early Reading Development and Education Program in the current school year. Public and private providers shall be funded for instructional costs at a rate of ~~\$4,422~~ \$4,510 per student enrolled. Eligible students enrolling during the school year or withdrawing during the school year shall be funded on a pro rata basis determined by the length of their enrollment. Private providers transporting eligible children to and from school shall also be eligible for a reimbursement of ~~\$563~~ \$574 per eligible child transported. All providers who are reimbursed are required to retain records as required by their fiscal agent. New providers participating for the first time in the current fiscal year and enrolling between one and six eligible children shall be eligible to receive up to \$1,000 per child in materials and equipment funding, with providers enrolling seven or more such children eligible for funding not to exceed \$10,000. Providers receiving equipment funding are expected to participate in the program and provide high-quality, center-based programs as defined herein for a minimum of three years. Failure to participate for three years will require the provider to return a portion of the equipment allocation at a level determined by the Department of Education and the Office of First Steps to School Readiness. Funding to providers is contingent upon receipt of data as requested by the Department of Education and the Office of First Steps. The Department of Education shall only provide funding for public school students whose complete records have been entered into PowerSchool and end of year adjustments shall be based on the one hundred and thirty-five day student average daily membership.

Annually, the Department of Education is directed to audit the annual allocations to public providers to ensure that allocations are accurate and aligned to the appropriate pro rata per student allocation, materials, and equipment funding. In the event the department, during the audit process determines that the annual allocations of the prior fiscal year are not accurate, the department must adjust the allocations for the current fiscal year to account for the audit findings. The department must provide the results of the annual audit findings to the General Assembly no later than December first. Likewise, in the event the Office of First Steps determines that the annual allocations of the prior fiscal year to private providers are not accurate, the Office of First Steps must adjust the allocations for the current fiscal year to account for the findings.

1 Of the funds appropriated, \$300,000 shall be allocated to the Education Oversight Committee to conduct an annual evaluation of
2 the South Carolina Child Development Education Pilot Program and to issue findings in a report to the General Assembly by
3 January fifteenth of each year. To aid in this evaluation, the Education Oversight Committee shall determine the data necessary
4 and both public and private providers are required to submit the necessary data as a condition of continued participation in and
5 funding of the program. This data shall include developmentally appropriate measures of student progress. Additionally, the
6 Department of Education shall issue a unique student identifier for each child receiving services from a private provider. The
7 Department of Education shall be responsible for the collection and maintenance of data on the public state funded full day and
8 half-day four-year-old kindergarten programs. The Office of First Steps to School Readiness shall be responsible for the collection
9 and maintenance of data on the state funded programs provided through private providers. The Education Oversight Committee
10 shall use this data and all other collected and maintained data necessary to conduct a research based review of the program's
11 implementation and assessment of student success in the early elementary grades.

12 **1A.30.** (SDE-EIA: Aid to Districts) Funds appropriated in Part IA, Section 1, VIII.A.1. Aid to Districts shall be dispersed to
13 school districts based on the number of weighted pupil units.

14 **1A.31.** (SDE-EIA: Centers of Excellence) Of the funds appropriated for Centers of Excellence, \$350,000 must be allocated to
15 the Francis Marion University Center of Excellence to Prepare Teachers of Children of Poverty to expand statewide training for
16 individuals who teach children of poverty through weekend college, nontraditional or alternative learning opportunities.

17 **1A.32.** (SDE-EIA: IDEA Maintenance of Effort) Prior to the dispersal of funds appropriated in Section VIII.A.1. Aid to
18 Districts according to Proviso 1A.30 for the current fiscal year, in the event that there is a reduction in state funds or there are
19 changes in the Education Finance Act/Base Student Cost formula that would reduce support for children with disabilities, the
20 Department of Education is authorized to utilize funds appropriated in Section VIII.A.1. Aid to Districts to ensure maintenance of
21 state financial support for the IDEA. The department shall distribute these funds using the current fiscal year one hundred
22 thirty-five day Average Daily Membership or as directed by the United States Department of Education. Funds provided for these
23 purposes may not be transferred to any other purpose and therefore are not subject to flexibility. For continued compliance with
24 the federal maintenance of state financial support requirements of the IDEA, funding for children with disabilities must, to the
25 extent practicable, be held harmless to budget cuts or reductions to the extent those funds are required to meet federal maintenance
26 of state financial support requirements under the IDEA. In the event cuts to funds that are needed to maintain fiscal effort are
27 necessary, when administering such cuts, the department must not reduce funding to support children with disabilities who qualify
28 for services under the IDEA in a manner that is disproportionate to the level of overall reduction to state programs in general. By
29 December first, the department must submit an estimate of the IDEA maintenance of state financial support requirement to the
30 General Assembly and the Governor. For the current fiscal year, the department may carry forward IDEA Maintenance of Effort
31 funds from the prior fiscal year and expend them in the same manner.

32 **1A.33.** (SDE-EIA: Career Cluster Industry Partnerships) From the funds appropriated to the Department of Education, \$800,000
33 must be provided as direct grants to the private sector statewide trade association or educational foundation providing nationally
34 certified programs in career and technology education representing the automotive, construction, engineering, healthcare,
35 mechanical contracting/construction, and hospitality tourism career clusters. Organizations applying for a grant must do so by July
36 thirty-first and the Department of Education must award a minimum of one grant of at least \$150,000 in at least four of these

specified career clusters to be used exclusively for career and technology education. The recipient industry organization must conduct end-of-course exams graded by a national industry organization and must include in their grant request how the money will be spent in direct support of students to further industry-specific career technology education; a description and history of their program nationally and within South Carolina; estimates of future employment growth in their industry; and the national scope of their program. By August first of the following year, the organization must submit to the department a report detailing how the grant increased industry/employer awareness; the number of increased schools using the industry-based curriculum and partnered with the industry organization; the increased number of students in the program; and an overview and analysis of the organization's statewide student competition. The grant must be used for career awareness programs for that industry cluster; statewide student competitions leading to national competitions; teacher development and training; post-secondary scholarships in industry-specific degree programs; student recruitment into that career cluster programs; programs to educate middle and high school Career or Guidance Counselors about the industry; service to disadvantaged youth; and administering business/employer awareness and partnerships which help lead to experience-based, career-oriented experiences including internships, apprenticeships, mentoring, co-op education and service learning. The Office of Career and Technology Education of the department will develop goals with each career cluster on the number of new schools using the industry-based curriculum and partnered with that career cluster organization. These funds may not be used to supplant or replace, in whole or in part, other existing resources/assets sourced outside the present grant being used to provide the same services or programs. Organizations may carry-over grants for up to three years when a large project is identified in the grant application to be used at a future date; otherwise excess funds must be returned to the state. Organizations awarded must submit a semi-annual programmatic and financial report on the last day of December in addition to the final report due August first that has been audited by a third party accounting firm.

1A.34. (SDE-EIA: Partnerships/Other Agencies & Entities) For the current fiscal year, agencies and other entities receiving funds appropriated in Part IA, Section 1, VIII.E. will continue to report annually to the Education Oversight Committee (EOC). Any entity receiving funds that must flow through a state agency will receive those funds through the EOC. The EOC will make funding recommendations to the Governor and General Assembly as part of the agency's annual budget request.

1A.35. (SDE-EIA: ETV Teacher Training/Support) Of the funds appropriated in Part IA, Section 1, VIII.E. South Carolina Educational Television must provide training and technical support on the educational resources available to teachers and school districts.

1A.36. (SDE-EIA: Teacher Salaries/SE Average) The projected Southeastern average teacher salary shall be the average of the average teachers' salaries of the southeastern states as projected by the Revenue and Fiscal Affairs Office. For the current school year the Southeastern average teacher salary is projected to be \$51,966. The General Assembly remains desirous of raising the average teacher salary in South Carolina through incremental increases over the next few years so as to make such equivalent to the national average teacher salary.

The statewide minimum teacher salary schedule used in Fiscal Year ~~2016-17~~ 2017-18 will continue to be used in Fiscal Year ~~2017-18~~ 2018-19.

Additionally, for the current fiscal year, a local school district board of trustees must increase the salary compensation for all eligible certified teachers employed by the district by no less than one year of experience credit using the district salary schedule

1 utilized the prior fiscal year as the basis for providing the step. Application of this provision must be applied uniformly for all
2 eligible certified teachers.

3 Funds appropriated in Part IA, Section 1, VIII.C.2. for Teacher Salaries must be used to increase salaries of those teachers
4 eligible pursuant to Section 59-20-50(4)(b), to include classroom teachers, librarians, guidance counselors, psychologists, social
5 workers, occupational and physical therapists, school nurses, orientation/mobility instructors, and audiologists in the school
6 districts of the state.

7 For purposes of this provision teachers shall be defined by the Department of Education using the Professional Certified Staff
8 (PCS) System.

9 **1A.37.** (SDE-EIA: PowerSchool Dropout Recovery Data) With the funds appropriated to the Department of Education for
10 PowerSchool and data collection, the department will begin in the current fiscal year to collect data from schools and school
11 districts on the number of students who had previously dropped out of school and who reenrolled in a public school or adult
12 education to pursue a high school diploma. The Education Oversight Committee working with the Department of Education will
13 determine how to calculate a dropout recovery rate that will be reflected on the annual school and district report cards.

14 **1A.38.** (SDE-EIA: Assisting, Developing and Evaluating Professional Teaching -ADEPT) With funds appropriated in the
15 current fiscal year, the Department of Education, school districts, the Department of Juvenile Justice and special schools of the
16 state may continue implementation of the ADEPT program. Governing boards of public institutions of higher education may
17 provide by policy or regulation for a tuition waiver for the tuition for one three-hour course at that institution for those public
18 school teachers who serve as supervisors for full-time students completing education degree requirements. Unexpended funds
19 appropriated for this purpose may be carried forward from the prior fiscal year into the current fiscal year and expended for the
20 same purposes.

21 **1A.39.** (SDE-EIA: Educational Partnerships) The funds provided to the Center for Educational Partnerships at the College of
22 Education at the University of South Carolina will be used to create a consortium of educational initiatives and services to schools
23 and communities. These initiatives will include, but are not limited to, professional development in writing, geography and other
24 content areas; training; research; advocacy; and practical consultancy. The Center will establish collaborative educational
25 enterprises with schools, school districts, parents, communities, and businesses while fulfilling the responsibilities of the School
26 Improvement Council Assistance. The Center will focus on connecting the educational needs and goals of communities to improve
27 efficiency and effectiveness.

28 **1A.40.** (SDE-EIA: STEM Centers SC) All EIA-funded entities that provide professional development and science programming
29 to teachers and students should be included in the state's science, technology, engineering and mathematics education strategic
30 plan.

31 **1A.41.** (SDE-EIA: EOC Partnerships for Innovation) Of the funds appropriated or carried forward from the prior fiscal year, the
32 Education Oversight Committee is directed to participate in public-private partnerships to promote innovative ways to transform
33 the assessment of public education in South Carolina that support increased student achievement in reading and college and career
34 readiness. The Education Oversight Committee may provide financial support to districts and to public-private partnerships for
35 planning and support to implement, sustain and evaluate the innovation and to develop a matrix and measurements of student
36 academic success based on evidence-based models. These funds may also be used to support the innovative delivery of science,

1 technology, and genetic education and exposure to career opportunities in science, including mobile science laboratory programs,
2 to students enrolled in the Abbeville equity school districts and students in high poverty schools. These funds may also focus on
3 creating public-private literacy partnerships utilizing a 2:1 matching funds provision when the initiative employs research-based
4 methods, has demonstrated success in increasing reading proficiency of struggling readers, and works directly with high poverty
5 schools and districts. The committee will work to expand the engagement of stakeholders including state agencies and boards like
6 the Educational Television Commission, businesses, and higher education institutions. The committee shall annually report to the
7 General Assembly on the measurement results.

8 The Education Oversight Committee and the Department of Education shall recommend to the Senate Finance Committee and to
9 the House Ways and Means Committee a plan to develop and implement a strategic grants process for reviewing, awarding, and
10 monitoring innovative education strategies in schools and districts. The plan would identify the process and priority areas for
11 funding that address the educational needs of the state. The plan must be submitted by January 15, 2018.

12 **1A.42.** (SDE-EIA: Aid to Districts Draw Down) For the current fiscal year, in order to draw down funds appropriated in Part
13 IA, Section 1, VIII.A.1, Aid to Districts, school districts, Palmetto Unified District and the Department of Juvenile Justice must
14 work with local law enforcement agencies, and when necessary, state law enforcement agencies in order to ensure that the district
15 has an updated school safety plan in place. The safety plan must include safety directives in the classroom, a safe student and staff
16 exit strategy and necessary safety staff. Notice of completion of the updated plan must be submitted to the Department of
17 Education no later than September first, of the current fiscal year. The department must report to the Chairman of the House Ways
18 and Means Committee, the Chairman of the House Education and Public Works Committee, the Chairman of the Senate Finance
19 Committee and the Chairman of the Senate Education Committee by September thirtieth, of the current fiscal year, on any districts
20 that failed to submit an updated plan.

21 **1A.43.** (SDE-EIA: Education and Economic Development Act Carry Forward) Funds provided for the Education and Economic
22 Development Act may be carried forward into the current fiscal year to be expended for the same purposes by the department,
23 school districts, and special schools.

24 **1A.44.** (SDE-EIA: EEDA Regional Education Centers) Funds appropriated from the EEDA for Regional Education Centers
25 must not be less than \$108,500.

26 **1A.45.** (SDE-EIA: Teach for America SC) Because Teach For America SC receives EIA funds in the current fiscal year, school
27 districts that partner with Teach For America SC are required to provide to Teach For America SC by September first annually,
28 information on the prior year's academic achievement of students who were directly taught by Teach For America corps members.
29 The information must be in a format that protects the identity of individual students and must include state assessment data as
30 appropriate.

31 **1A.46.** (SDE-EIA: EOC-South Carolina Autism Society) Of the funds appropriated in Section 1A, VIII.E. Partnerships,
32 Education Oversight Committee (A85), \$500,000 must be transferred in quarterly installments from the Education Oversight
33 Committee to the South Carolina Autism Society for the Autism Parent-School Partnership Program. Beginning October 10, 2015,
34 the South Carolina Autism Society shall provide a quarterly accounting report to the Chairman of the Senate Finance Committee,
35 the Chairman of the House Ways and Means Committee and the Education Oversight Committee.

1A.47. (SDE-EIA: CHE/CERRA) The Center for Educator Recruitment, Retention and Advancement (CERRA) must complete periodic evaluations of the institutions currently hosting a Teaching Fellows (TF) program and ensure that the TF programs at the current host institutions continue to meet the requirements for a TF program as set forth by the CERRA Board of Directors. Further, CERRA will continue implementing a long-range plan for approving additional TF programs at other public, four-year institutions who wish to be considered to host a TF program, provided the proposed programs meet the requirements set forth by the CERRA Board of Directors. CERRA will publish TF program criteria and requirements prominently on its website. Any institution who applies but is not selected to host a TF program will be informed in writing of the basis for the selection decision and be offered technical support if the institution elects to reapply. Any institution that applies but is not selected to host a TF program may appeal to the Commission on Higher Education.

1A.48. (SDE-EIA: Surplus) For Fiscal Year ~~2017-18~~ 2018-19, EIA cash funds from the prior fiscal year and EIA funds not otherwise appropriated or authorized must be carried forward and expended on the following items in the order listed:

- ~~1. Computer Science Task Force – \$400,000;~~
- ~~2. EOC Partnerships – \$6,281,500;~~
- ~~3. Industry Certification – \$3,000,000;~~
- ~~4. SDE School Districts Capital Improvement Plan – \$55,828,859;~~
- ~~5. SDE Technical Assistance – \$1,308,500; and~~
- ~~6. SDE K-12 Funding Gap – \$450,000.~~

~~The Department of Education shall disburse the funds for the K-12 Funding Gap proportionately to school districts that, in the current fiscal year, are cumulatively appropriated and allocated at least eight percent less state funds than the school district was appropriated and allocated in Fiscal Year 2016-17. For purposes of this proviso, state funds includes Education Improvement Act funds. Further, the amounts appropriated and allocated in Part IA and Sections 1 and 1A of this Part IB, shall be considered for purposes of determining whether a school district received less state funds.~~

- 1. Computer Science and Coding Education – \$3,100,000;
- 2. Aid to Districts – Technology – \$1,459,000; and
- 3. Career and Technology Education – \$3,000,000.

If excess EIA revenues are less than the amounts appropriated, funding for the items listed herein shall be reduced on a pro rata basis.

1A.49. (SDE-EIA: Public Charter Pupil Counts) With funds appropriated to charter schools sponsored by either ~~to~~ the South Carolina Public Charter School District or a registered Institution of Higher Education, the ~~district~~ sponsor must require each charter school to submit a student attendance report for the 5th, 45th, 90th and 135th days. Reporting requirements shall include both Average Daily Membership and Weighted Pupil Unit membership. The South Carolina Public Charter School District or a registered Institution of Higher Education shall then provide the data for each charter school to the Department of Education and ~~Quarterly, the department will submit the information~~ to the House Ways and Means Committee, the House Education and Public Works Committee, the Senate Finance Committee and the Senate Education Committee.

The South Carolina Public Charter School District or a registered Institution on Higher Education must also require each virtual charter school to collect the following information: (1) the reason or reasons why each student enrolled in the virtual charter

1 school district from both the parent(s) and the referring school district; and (2) the reason or reasons why a student withdrew from
 2 the virtual charter school district. This data must be provided to the Department of Education quarterly and must include the
 3 unique student identifier. The department, in turn, will provide summary information to the House Ways and Means Committee,
 4 the House Education and Public Works Committee, the Senate Finance Committee and the Senate Education Committee on the
 5 enrollment and withdrawal information *on June 30th of the current fiscal year.*

6 **1A.50.** (SDE-EIA: South Carolina Public Charter School District Funding) The funds appropriated in Part IA, Section VIII.G
 7 *H.* - South Carolina Public Charter School District must be allocated in the following manner to students at charter schools within
 8 the South Carolina Public Charter School District: Pupils enrolled in virtual charter schools sponsored by the South Carolina
 9 Public Charter School District shall receive ~~\$1,900~~ *\$1,995* per weighted pupil and pupils enrolled in brick and mortar charter
 10 schools sponsored by the South Carolina Public Charter School District shall receive ~~\$3,600~~ *\$3,780* per weighted pupil. Any
 11 unexpended funds, not to exceed ten percent of the prior year appropriation, must be carried forward from the prior fiscal year and
 12 expended for the same purpose. Any unexpended funds exceeding ten percent of the prior year appropriation must be transferred
 13 to the Charter School Facility Revolving Loan Program established in Section 59-40-175. For Fiscal Year ~~2017-18~~ *2018-19*, the
 14 timelines set forth for ruling on charter school applications are extended for sixty calendar days for all applications submitted to the
 15 South Carolina Public Charter School District if the district determines that an applicant should be permitted to amend its
 16 application to meet the requirements of Section 59-40-60 and Section 59-40-70, of the 1976 Code, based on an applicant's proposal
 17 to address an existing achievement gap utilizing an evidence-based educational program in an underserved geographical area of the
 18 state including, but not limited to, charter schools proposed to be located in any school district that is a plaintiff in the Abbeville
 19 law suit. The South Carolina Public Charter School District shall report to the Senate Finance Committee and the House Ways and
 20 Means Committee on the outcomes of this extended time for a hearing at the end of the application cycle.

21 **1A.51.** (SDE-EIA: Low Achieving Schools) Of the funds appropriated to the Education Oversight Committee for Partnerships
 22 for Innovation, \$500,000 must be allocated to support up to three low-achieving schools in designing and planning for
 23 implementation innovative, research-based strategies focused on recruiting and retaining highly effective teachers and on
 24 increasing time-on-task through the amount of time, the quality of instruction and the engagement of students. The committee will
 25 assist the schools in determining the evidence that will be collected to measure the effectiveness of the initiative and in identifying
 26 resources to support the initiative and in collaborating with TransformSC.

27 **1A.52.** (SDE-EIA: TransformSC) Of the funds appropriated to the Education Oversight Committee for Partnerships for
 28 Innovation, at least \$400,000 shall be allocated to the TransformSC public-private project.

29 **1A.53.** (SDE-EIA: CDEPP Student Information and Reporting) For the current fiscal year, the Department of Education and the
 30 Office of First Steps to School Readiness must acquire unique student identifiers or SUNS numbers for each student enrolled in the
 31 CDEPP program no later than the 45th day and must provide a report of such to the House Ways and Means Committee, the House
 32 Education Committee, the Senate Finance Committee, the Senate Education Committee and the Education Oversight Committee
 33 by November first. The Department of Education and the Office of First Steps to School Readiness must provide any information
 34 required by the Education Oversight Committee for the annual CDEPP report no later than November thirtieth.

35 ~~**1A.54.** (SDE-EIA: Charter School Funding—Chartered by Institution of Higher Education) Pupils enrolled in a brick and mortar~~
 36 ~~charter school authorized by an approved institution of higher education located in this state shall receive \$3,600 per weighted~~

~~pupil and pupils enrolled in a virtual charter school authorized by an approved institution of higher education located in this state shall receive \$1,900 per weighted pupil from the funds appropriated in Part IA, Section VIII.G. — South Carolina Public Charter School Institution of Higher Education. Any unexpended funds, not to exceed ten percent of the prior year appropriation, must be carried forward from the prior fiscal year and expended for the same purpose. Any unexpended funds exceeding ten percent of the prior year appropriation must be transferred to the Charter School Facility Revolving Loan Program established in Section 59-40-175, of the 1976 Code.~~

1A.55. (SDE-EIA: Rural Teacher Recruiting Incentive) (A) There is created a program within the South Carolina Center for Educator Recruitment, Retention, and Advancement (CERRA) to recruit and retain classroom educators in rural and underserved districts experiencing excessive turnover of classroom teachers on an annual basis.

(B) During the current fiscal year CERRA shall publish eligibility requirements and applications for individual educators, school districts, and institutions of higher education not inconsistent with existing licensure requirements for each, but also including:

(1) Eligible districts identified by CERRA as experiencing greater than eleven percent average annual teacher turnover, as reported on the districts' five most recent district report cards issued by the South Carolina Department of Education, may make application to participate in the program.

(2) Individuals eligible for incentives shall be willing to provide instructional services in an eligible district in exchange for participation in an incentive detailed in item (C) of this section, pursuant to the obligations and restrictions stated for each.

(3) Institutions of higher education eligible to receive education funding as a component of recruiting incentives created pursuant to item (C) of this section shall not be excluded from participation in Teaching Fellows Program.

(4) Any incentives requiring individuals to relocate into an eligible district to provide instructional services shall not be made available to individuals providing instructional services in other eligible districts.

(C) Pursuant to item (A), CERRA shall develop a set of incentives including, but not limited to, salary supplements, education subsidies, loan forgiveness, professional development, and mentorship to be provided to classroom educators that offer instructional services in eligible districts and shall provide incentive options for eligible individuals at all stages of their careers, including high-school and college or university students interested in entering the teaching profession and including individuals entering the field through an alternative certification pathway to include, but not limited to, PACE, ABCTE, Teach for American and CATE Work-Based Certification.

At a minimum, the incentives shall include:

(1) South Carolina Teachers Loan forgiveness at a rate of one year for every two years of service as a teacher in an eligible district, unless otherwise eligible for a greater forgiveness rate under the guidelines of the South Carolina Teachers Loan Program.

(2) Development of a program for forgiveness of undergraduate student loans, not to exceed \$5,000 per year, for up to 7 years, for teachers participating in this incentive that achieve certification through an alternative pathway or who have a loan from an institution other than the South Carolina Student Loan Corporation or program other than the South Carolina Teachers Loan Program.

1 (3) Development of a forgivable loan program for individuals pursuing graduate coursework in furtherance of a teaching
2 career, including enrollment in graduate-level coursework necessary to seek additional credentialing or certification relevant to the
3 participant's teaching practice, or individuals seeking an alternative pathway to certification as a teacher.

4 (4) Support for the establishment and maintenance of a teaching mentorship program, including salary supplements for
5 teaching mentors not to exceed \$2,500 per year.

6 (5) Other technical support and recruiting incentives as developed by CERRA in conjunction with the Department of
7 Education and the Education Oversight Committee consistent with the objectives of this section.

8 (D) In addition to eligibility and application requirements, CERRA shall develop a process for recovering an amount equal to
9 the incentives given to individual participants who fail to comply with the obligations associated with a relevant incentive in which
10 they participate including, but not limited to, failure to complete a prescribed course of study, failure to obtain a relevant
11 certification or licensure upon completion of a course of study, or failure to provide instructional services in an eligible district for
12 a prescribed period of time.

13 (E) CERRA shall report by July thirty-first of the current fiscal year to the Governor, President pro Tempore of the Senate, and
14 Speaker of the House on the incentives developed pursuant to item (C) of this section and make recommendations for attracting
15 and retaining high quality teachers in rural and underserved districts. The report shall contain at a minimum eligibility
16 requirements and application processes for districts and individuals, descriptions of and proposed budgets for each incentive
17 program and an analysis of the number and demographics of individuals potentially eligible for each.

18 (F) Funds appropriated or transferred for use in the Rural Teacher Recruiting Incentive may be carried forward from prior fiscal
19 years and used for the same purpose.

20 **1A.56.** (SDE-EIA: Project Read) Of the funds appropriated in Section 1A. VIII.A.3. for Reading, \$500,000 must be used for
21 teacher in-service training and professional development related to Project Read. The department may set accountability
22 guidelines to ensure that funds are spent in accordance with the proviso.

23 **1A.57.** (SDE-EIA: Reading/Literacy Coaches) (A) Funds appropriated for Reading/Literacy Coaches must be allocated to
24 school districts by the Department of Education as follows:

25 (1) for each elementary school in which twenty percent or more of the students scored below "meets expectations" on the
26 reading sub score of the English language arts test in the most recent year for which such data are available, the school district shall
27 be eligible to receive the lesser of up to \$62,730 or the actual cost of salary and benefits for a full-time reading/literacy coach; and

28 (2) for each elementary school in which fewer than twenty percent of the students scored as referenced in (A)(1), the
29 school district shall be eligible to receive the lesser of up to \$31,365 or fifty percent of the actual cost of salary and benefits for a
30 full-time reading/literacy coach. A school district must provide local support for state funds provided under this paragraph. School
31 districts may use existing local funds currently used for reading assistance as the local support.

32 (B) By accepting these funds, a school district warrants that they will not be used to supplant existing school district
33 expenditures, except for districts that either are currently, or in the prior fiscal year, were paying for reading/literacy coaches with
34 local funds. A district may, however, assign a reading/literacy coach to a primary school rather than to the elementary school to
35 improve the early literacy skills of young children.

(C) Funds appropriated for reading/literacy Coaches are intended to be used to provide elementary schools with reading/literacy coaches who shall serve according to the provisions in Chapter 155 of Title 59.

(D) Schools and districts accepting funding to support a coaching position agree that the reading/literacy coach must not serve as an administrator. If the department finds that school districts are using these funds for administrative costs as defined in statute they must withhold that districts remaining balance of funds allocated pursuant to this proviso.

(E) The Department of Education must publish guidelines that define the minimum qualifications for a reading/literacy coach. These guidelines must deem any licensed/certified teacher qualified if, at a minimum, he or she:

- (1) holds a bachelor's degree or higher and an add-on endorsement for literacy coach or literacy specialist; or
- (2) holds a bachelor's degree or higher and is actively pursuing the literacy coach or literacy specialist endorsement; or
- (3) holds a master's degree or higher in reading or a closely-related field.

Within these guidelines, the Department of Education must assist districts in identifying a reading/literacy coach in the event that the school is not successful in identifying and directly employing a qualified candidate. The provisions of subsection (A), including the local support requirements, shall also apply to any allocations made pursuant to this paragraph.

(F) The Department of Education must develop procedures for monitoring the use of funds appropriated for reading/literacy coaches to ensure they are applied to their intended uses and are not redirected for other purposes. The Department of Education may receive up to \$100,000 of the funds appropriated for reading/literacy coaches in order to implement this program, provided that this allocation does not exceed the department's actual costs.

(G) Prior to the close of the current fiscal year, any unspent or unallocated funds for reading/literacy coaches shall be used to fund Summer Reading Camps.

(H) The Department of Education shall require:

- (1) any school district receiving funding under subsection (A) to identify the name and qualifications of the supported reading/literacy coach; as well as the school in which the coach is assigned; and
- (2) any school district receiving funding under subsection (G) to account for the specific amounts and uses of such funds.

(I) With the data reported by the school districts, the department shall report by January fifteenth of the current fiscal year on the hiring of and assignment of reading/literacy coaches by school. The department shall also report the amount of funds that will be used for Summer Reading Camps.

(J) Funds appropriated for reading/literacy coaches shall be retained and carried forward to be used for the same purpose but may not be flexed.

(K) For ~~Fiscal Year 2017-18~~ the current fiscal year, if increased funding for reading/literacy coaches is not sufficient to provide additional reading/literacy coaches at each elementary school then the funding must be targeted to the areas of greatest need based on the number of students substantially failing to demonstrate reading proficiency as indicated on the prior year's state assessment.

1A.58. (SDE-EIA: Digital Instructional Materials) The Department of Education shall continue to create an instructional materials list composed of those items (print and/or digital) that have received State Board of Education approval through the normal adoption process. The department shall continue to work with the publishers of instructional materials to ensure that districts who wish to receive both the digital version and class sets of ~~textbooks may be awarded that option~~ printed student editions, if needed. Funds appropriated for the purchase of ~~textbooks and other~~ instructional materials may be used for reimbursing

1 school districts to offset the costs of refurbishing science kits on the state-adopted ~~textbook~~ instructional materials inventory,
 2 purchasing new kits or those adopted as supplemental from the ~~central-textbook-depository~~ Central Depository, or a combination
 3 of refurbishment and purchase. The refurbishing cost of kits may not exceed the cost of the state-adopted refurbishing kits plus a
 4 reasonable amount for shipping and handling. Costs for staff development, personnel costs, equipment, or other costs associated
 5 with refurbishing kits on state inventory are not allowable costs. Funds provided for Instructional Materials may be carried
 6 forward from the prior fiscal year into the current fiscal year to be expended for the same purposes by the department, school
 7 districts, and special schools. These funds are not subject to flexibility. ~~Digital Instructional Materials shall include the digital~~
 8 ~~equivalent of materials and devices.~~

9 **1A.59.** (SDE-EIA: 4K Early Literacy Competencies Assessments) Of the funds carried forward from the full-day 4K program
 10 from the previous fiscal year, the Department of Education is authorized to expend up to \$800,000 on assessments and professional
 11 development to analyze the early literacy competencies of children in publicly funded prekindergarten. If these funds are not
 12 available, funds appropriated and/or authorized for assessment shall be used to administer the prekindergarten assessments. The
 13 department shall manage the administration of assessments that analyze the early literacy and language development of children in
 14 publicly funded prekindergarten as done in the prior fiscal year. Each school district and private provider participating in a
 15 publicly funded prekindergarten program will administer one of the formative assessments selected by the department to each child
 16 eligible for and enrolled in a publicly funded prekindergarten program during the first forty-five days of the school year ~~and during~~
 17 ~~the last forty-five days of the school year.~~ Accommodations that do not invalidate the results of these assessments must be
 18 provided in the manner set forth by the student's Individualized Education Program or 504 Accommodations Plan and for students
 19 who are Limited English Proficient according to their LEP Plan. The department will provide the assessment data to the
 20 Education Oversight Committee. The results of the assessment and the developmental intervention strategies recommended or
 21 services needed to address the child's identified needs must also be provided, in writing, to the parent or guardian. The assessment
 22 may not be used to deny a student to admission to prekindergarten.

23 Furthermore, up to \$2,000,000 of the funds appropriated for half-day programs for four-year-olds and funds carried forward
 24 from assessment must be expended by the Department of Education to administer the Kindergarten Readiness Assessment (KRA)
 25 to each child entering kindergarten in the public schools. The assessment of kindergarten students must be administered at a
 26 minimum of once during the first forty-five days of the school year with the results collected by the department. The results of the
 27 assessments and the developmental intervention strategies recommended or services needed to address each child's identified
 28 needs must also be provided, in writing, to the parent or guardian. The assessment may not be used to deny a student admission to
 29 kindergarten. Accommodations that do not invalidate the results of these assessments must be provided in the manner set forth by
 30 the student's Individualized Education Program, ~~or~~ 504 Accommodations Plan or LEP Plan. Districts are given the option of
 31 designating up to two days of the one hundred eighty day school calendar to administer the assessment to kindergarten students.
 32 The department will also provide the results of the assessment of kindergarten students to the Education Oversight Committee.
 33 With available funds, the department will also provide or secure training for appropriate educators in how to administer the
 34 assessment.

35 For all students assessed with the Kindergarten Readiness Assessment (KRA), the Department of Education is required to collect
 36 data from schools and school districts on the prior early learning experience of each student. The data would include whether the

kindergartener had attended in the prior school year a Head Start program, a South Carolina Early Reading Development and Education Program in a public school or a private center, a half-day 4K program in a public school, a full-day 4K program in a public school, a child care center (registered faith-based, registered family home, group home, or exempt provider) or informal child care.

***1A.60. (SDE-EIA: Teacher Supply Study)** *With funds appropriated to the Center for Educator Recruitment, Retention, and Advancement (CERRA), in concert with the Commission on Higher Education, the Department of Education, and the Education Oversight Committee, CERRA shall initiate and conduct a study to identify and project the number of additional teachers needed annually in public school classrooms for grades K5 through 12, for school years beginning 2017 through 2027. The purpose of the study shall be to: (1) provide specific data and projections on the number of teachers expected to be needed as compared to the number available, by Subject Areas Taught as indicated in CERRA's annual Supply and Demand Report, and with a focus on critical need subject areas; (2) determine whether, individually and collectively, teaching programs at applicable institutions of higher learning in South Carolina have the capacity and infrastructure to fulfill projected needs in item (1); and (3) provide data for general use in estimating the fiscal impact of any new or revised programs being considered to incent more talented individuals to enter teacher training programs and more highly qualified teachers to remain in the profession for longer periods of time.*

1A.61. (SDE-EIA: CDEPP Unexpended Funds) For Fiscal Year ~~2017-18~~ 2018-19, the Office of First Steps to School Readiness is permitted to retain the first \$1,000,000 of any unexpended CDEPP funds of the prior fiscal year and expend these funds to enhance the quality of the full-day 4K program in private centers and provide professional development opportunities.

By August first, the Office of First Steps is directed to allocate any additional unexpended CDEPP funds from the prior fiscal year and any CDEPP funds carried forward from prior fiscal years that were transferred to the restricted account for the following purpose: Education Oversight Committee - \$1,000,000 for the South Carolina Community Block Grants for Education Pilot Program.

If carry forward funds are less than the amounts appropriated, funding for the items listed herein shall be reduced on a pro rata basis.

If by August first, the Department of Education or the Office of First Steps determines there will be funds available, funds shall be allocated on a per pupil basis for districts eligible for participation first, who have a documented waiting list, then to districts to increase the length of the program to a maximum of eight and a half hours per day or two hundred and twenty days per year or to fund summer programs. If a district chooses to fund summer enrollment the program funding shall conform to the funding in this act for full year programs, however shall be reduced on a pro rata basis to conform with the length of the program. A summer program shall be no more than eight and a half hours per day and shall be not more than ten weeks in length. The per pupil allocation and classroom grant must conform with the appropriated amount contained in this Act and end of year adjustments shall be based on the one hundred and thirty five day student average daily membership or later student average daily membership for districts choosing to extend the program past one hundred and eighty days. Funds may also be used to provide professional development and quality evaluations of programs.

No later than April first, the Department of Education and the Office of First Steps must report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee on the expenditure of these funds to include the

1 following information: the amount of money used and specific steps and measures taken to enhance the quality of the 4K program
 2 and the amount of money used for professional development as well as the types of professional development offered and the
 3 number of participants.

4 ~~1A.62. (SDE-EIA: College and Career Readiness) Funds appropriated to the Department of Education for District College and~~
 5 ~~Career Readiness Assistance must first be used to increase the capacity of districts that are or were the original trial and plaintiff~~
 6 ~~school districts in the Abbeville law suit. Funds shall be used by the department to provide assistance to districts using~~
 7 ~~appropriately experienced educators with demonstrated effectiveness in instructional leadership. Support shall include professional~~
 8 ~~development, standards and learning support, instructional support, data analysis and leadership development resources to ensure~~
 9 ~~that educators are equipped with the tools to provide students with high quality, personalized learning that supports the Profile of~~
 10 ~~the South Carolina Graduate. The department shall report to the Chairman of the Senate Finance Committee and the Chairman of~~
 11 ~~the House Ways and Means Committee on how these funds were expended.~~

12 **1A.63.** (SDE-EIA: Industry Certifications/Credentials) ~~Of the funds~~ *Funds* appropriated for Industry Certifications/Credentials;
 13 \$3,000,000 must be allocated to school districts *proportionately* based upon the ~~number~~ *cost* of ~~department recognized~~
 14 ~~and state~~ industry exams administered in the prior school year with each district receiving a base amount of \$10,000. The
 15 department will ~~identify the~~ *recognize* national industry exams ~~that will be funded~~ based upon the job availability in the state ~~and~~
 16 ~~future earning potential~~. School districts may carry forward funds from the prior fiscal year into the current fiscal year and expend
 17 the funds ~~within the constraints of this proviso for the cost of national industry exams~~. The department shall work with the
 18 Department of Commerce, the Department of Employment and Workforce, state and local chambers of commerce and economic
 19 development offices and the Tech Board to *identify high demand national and state industry credentials and* ensure that students
 20 are aware of the industry ~~required~~ *required* credentials *required* for current job availability in the state *as* organized by region. ~~Any~~
 21 ~~additional funds appropriated must be allocated to school districts based upon the number of national industry exams/credentials~~
 22 ~~earned in the prior school year, and districts~~ *Districts* must *prioritize the* expenditure of these funds to pay for the cost of industry
 23 exams *on behalf of students*. ~~or Any remaining funds may be used to support students in preparing for the exams in the current~~
 24 ~~fiscal year or to pay for the cost of industry exams on behalf of an instructor who will go on to teach students in the area of~~
 25 ~~certification.~~

26 **1A.64.** (SDE-EIA: Career and Technology Education) Funds appropriated for Career and Technology Education will be
 27 distributed to school districts and multi-district career centers based on the prior year actual student enrollment for career and
 28 technology education courses, with no district or multi-district career center receiving less than \$50,000. Funds may be expended
 29 for the purchase of career and technical equipment, the up fitting of facilities and the purchase of consumables, regional career
 30 specialists, and such evidence-based initiatives like High Schools that Work and Project Lead the Way. Each district must include
 31 in the district plan submitted to the Office of Career and Technology Education information on other career and technical
 32 equipment available. The district must include, at a minimum, equipment located at the career center and at the technical college,
 33 information on the alignment of equipment to current industry jobs and needs in the state as recommended by career and technical
 34 program advisory committees. District plans must include charter schools within the school district offering at least one career and
 35 technical education completer program. School districts and career centers may carry forward unexpended funds to be used for the
 36 same intended purposes to up fit career and technical facilities and replace career and technical program consumables. In addition,

1 \$125,000 of the funds appropriated shall be allocated to the Palmetto Partners for Science and Technology for robotics
2 competition, curriculum, and support.

3 **1A.65.** (SDE-EIA: Digital Learning) Of the funds appropriated to the Education Oversight Committee for Partnerships for
4 Innovation, \$1,300,000 must be authorized for schools or school districts that have poverty indices of eighty percent or greater
5 based on the poverty index utilized the prior fiscal year that was student eligibility for the free or reduced price lunch program and
6 Medicaid, or are a trial or plaintiff district in the Abbeville equity lawsuit. In these districts, the EOC will pilot a program that
7 provides school districts with digital learning tools, digital resources, the curriculum foundry, technical support, and professional
8 development.

9 ~~**1A.66.** (SDE-EIA: South Carolina IT Academy) Of the funds appropriated for the South Carolina IT Academy, the Department~~
10 ~~of Education shall procure an IT Academy for public schools statewide in the coming school year. The IT Academy must offer~~
11 ~~certification opportunities for educators to receive Teacher Certification Exams and for students to receive certifications in an~~
12 ~~office suite of products in the middle grades and programming credentials in high school. The procurement shall include official~~
13 ~~curriculum, e-learning, E-books, exams, software and lesson plans.~~

14 **1A.67.** (SDE-EIA: Family Connection South Carolina) Funds appropriated in Part IA, Section 1, VIII.E, Partnerships, for
15 Family Connection South Carolina (H63), shall be transferred in quarterly installments from the Department of Education to
16 Family Connection South Carolina. Funds shall be used to provide support to families of children with disabilities. Support shall
17 include, home visits, transition assistance, education assistance, parent support and parent training. The department shall establish
18 guidelines through which Family Connection South Carolina shall provide planning documents to the department not later than
19 July fifteenth of the current fiscal year, and quarterly reporting of expenditures thereafter; and a performance report submitted
20 annually.

21 **1A.68.** (SDE-EIA: Low Achieving Schools) Of the funds appropriated to the Education Oversight Committee for Partnerships
22 for Innovation, \$500,000 shall be allocated to parent support initiatives and afterschool programs in historically underachieving
23 communities.

24 **1A.69.** (SDE-EIA: EOC Military-Connected Children) Of the funds allocated for Partnerships for Innovation, the Education
25 Oversight Committee is directed to expend \$300,000 to initiate in at least two school districts with high military density, a pilot
26 program that will provide training, services, resources and research to teachers, counselors, mental health professionals, school
27 nurses, service providers and military parents. The objective of the pilot is to increase the level of educational quality and support
28 for military-connected children. The training and services must be provided by a non-profit entity that is an NBCC-Approved
29 Continuing Education Provider and is an authorized provider by the international Association for Continuing Education and
30 Training (IACET). Pursuant to its responsibilities under Act 289 of 2014, the Education Oversight Committee will report on the
31 expenditure of these funds and post-training evaluations in its annual report on the educational performance of military-connected
32 children.

33 **1A.70.** (SDE-EIA: STEM Labs) Of the funds allocated for Partnerships for Innovation, the Education Oversight Committee is
34 directed to expend \$300,000 for customized STEM labs. The Education Oversight Committee shall work with the Department of
35 Education, Office of Standards and Learning to solicit interested middle schools from the Abbeville trial and plaintiff districts to
36 participate in implementing a STEM based curriculum. The pilot sites will receive a customized 6th - 8th grade STEM curriculum

1 designed to address the needs of local industry. The curriculum provided will be aligned to state standards and certified by ACT
2 WorkKeys and will include hands-on, problem based student labs. The curriculum will also be certified by ACT WorkKeys.
3 Teachers in the pilot sites will receive ongoing, year-long professional development on cross curricular STEM implementation that
4 will be aligned to state standards as well and the district strategic plan.

5 **1A.71.** (SDE-EIA: Assistance Funding) For the current fiscal year, any funds appropriated to the Department of Education to
6 assist districts that are or were Plaintiffs in the Abbeville law suit and funding appropriated to the department to provide technical
7 assistance to underperforming districts may not be transferred to any other program, are not subject to flexibility, and may be
8 carried forward and expended for the same purposes.

9 **1A.72.** (SDE-EIA: National Board Certification Incentive) Public school classroom teachers, to include teachers employed at
10 the special schools or classroom teachers who work with classroom teachers, to include teachers employed at the special schools
11 who are certified by the State Board of Education and who have been certified by the National Board for Professional Teaching
12 Standards or completed the application process prior to July 1, 2010 shall be paid a \$7,500 salary supplement beginning July first
13 in the year following the year of achieving certification, beginning with 2009 applicants. The special schools include the
14 Governors School for Science and Math, Governors School for the Arts and Humanities, Wil Lou Gray Opportunity School, John
15 de la Howe School, School for the Deaf and the Blind, Department of Juvenile Justice and Palmetto Unified School District 1. The
16 \$7,500 salary supplement shall be added to the annual pay of the teacher for the length of the national certificate. However, the
17 \$7,500 supplement shall be adjusted on a pro rata basis for the teachers FTE and paid to the teacher in accordance with the districts
18 payroll procedure. In addition, teachers who have applied prior to July 1, 2010 and are certified by the National Board for
19 Professional Teaching Standards shall enter a recertification cycle for their South Carolina certificate consistent with the
20 recertification cycle for national board certification. National board certified teachers who have been certified by the National
21 Board for Professional Teaching Standards or completed the application process prior to July 1, 2010 moving to this State who
22 hold a valid standard certificate from their sending state are exempted from initial certification requirements and are eligible for a
23 professional teaching certificate and continuing contract status. Their recertification cycle will be consistent with national board
24 certification.

25 For the current fiscal year the salary supplement will be \$5,000 for public school classroom teachers, to include teachers
26 employed at the special schools or classroom teachers who work with classroom teachers, to include teachers employed at the
27 special schools who are certified by the State Board of Education and who complete the application process on or after July 1,
28 2010, beginning in the year of achieving certification and applies uniformly to all teachers covered under Section 59-26-85(A)(2)
29 of the 1976 Code. The special schools include the Governors School for Science and Math, Governors School for the Arts and
30 Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Department of
31 Juvenile Justice and Palmetto Unified School District 1. The \$5,000 salary supplement shall be added to the annual pay of the
32 teacher, not to exceed the lesser of, the length of one national certificate cycle. However, the \$5,000 supplement shall be adjusted
33 on a pro rata basis for the teachers FTE and paid to the teacher in accordance with the districts payroll procedure.

34 Fiscal Year 2017-18 shall be the final year for eligible teachers to submit the initial application and fee for NBPTS and be
35 eligible to receive the state supplement upon achieving certification. Appropriations in excess of applicable expenditures shall be
36 distributed to school districts based on the EFA formula.

1 **1A.73.** (SDE-EIA: Revolving Student Loan Program Transfer) The State Treasurer shall transfer \$16,000,000 from the EIA
2 Revolving Student Loan Program, Fund 41L1, to the Department of Education. The department shall utilize these funds for the
3 School Districts Capital Improvement Plan as set forth in this act.

4 **1A.74.** (SDE-EIA: Abbeville Equity School Districts Capital Improvement Plan) The funds appropriated for the Abbeville
5 Equity School Districts Capital Improvement Plan in Part IA, Section 1, VIII, I, Abbeville Equity School Districts Capital
6 Improvements and by provisos 1.85, 1A.48, 1A.73, and 1A.77 shall be allocated by the Department of Education to eligible school
7 districts for the purpose of funding school facility upgrades. Eligible school districts include any school district that is a plaintiff in
8 the Abbeville law suit or districts with a poverty index of eighty percent or higher. For the purpose of this provision, “school
9 facility” means only facilities necessary for instructional and related supporting purposes including, but not limited to, classrooms,
10 libraries, media centers, laboratories, cafeterias, physical education spaces, related interior and exterior facilities, and the conduit,
11 wiring, and powering of hardware installations for classroom computers or for area network systems. Eligible school facility
12 projects shall include: (a) health and safety upgrades; (b) technology upgrades inside school facilities; (c) upgrades associated with
13 career and technology education programs; and (d) deferred maintenance needs as described in the district’s capital improvement
14 plan. For purposes of this provision, school facilities shall not include unimproved real property, centralized district administration
15 facilities, or other facilities, including those normally identified with interscholastic sports activities.

16 The department shall develop and maintain an application process for school districts to request funding for qualified school
17 projects and establish policies, procedures, and priorities for the making of grants pursuant to this provision. At least twice a year
18 and upon receipt of applications pursuant to the application process adopted by the department, the department shall prioritize the
19 eligible projects with the greatest need and shall submit a list of recommended grant awards to the State Board of Education.
20 Grants shall be awarded upon an affirmative vote of the State Board.

21 The financial assistance provided to school districts pursuant to this provision must be used for the eligible school facility
22 project. The department is responsible for establishing policies and procedures to ensure that funds are expended in a manner
23 consistent with this provision.

24 Following the close of the fiscal year, the department shall submit an annual report of its Abbeville Equity School Districts
25 Capital Improvement Plan activities for the preceding year to the Governor, the Chairman of the Senate Finance Committee, the
26 Chairman of the House Ways and Means Committee, the Chairman of the Senate Education Committee, and the Chairman of the
27 House Education and Public Works Committee.

28 **1A.75.** (SDE-EIA: Value-Added Accountability) With the funds appropriated for School Value Added Instrument in the current
29 fiscal year the Department of Education shall use the education value-added assessment system that was procured and administered
30 in the prior fiscal year to calculate the magnitude of student progress or growth at the school level for purposes of state and federal
31 accountability. At the discretion of the local school district, a district may use the education value-added assessment system to
32 evaluate classroom teachers using student progress or growth. The estimates of specific teacher effects on the educational progress
33 of students will not be a public record and shall be made available only to the specific teacher, principal and superintendent. In the
34 current fiscal year, the Department of Education is directed to procure a value-added assessment system, which calculates student
35 growth and includes the measurement of magnitude of growth, to be used in future school years that meets the requirements of the
36 state and federal accountability system as defined in Chapter 18 of Title 59 of the 1976 Code.

1A.76. (SDE-EIA: Aid to Districts-Technology) Funds appropriated to the Department of Education for Aid to Districts - Technology shall be distributed to the public school districts of the state, the special schools of the state and the South Carolina Public Charter School District, per pupil, based on the previous year's one hundred thirty-five day average daily membership, according to the below calculations: (1) For a school district with a poverty index of less than 75: \$35 per ADM; (2) For a school district with a poverty index of at least 75 but no more than 85: \$50 per ADM; or (3) For a school district with a poverty index of greater than 85 or a special school with no defined poverty index: \$70 per ADM. Poverty will be defined as determined for the poverty add on weight in Proviso 1.3 of this Act.

The Department of Education may adjust the per-ADM rates for each of the three classes defined above in order to conform to actual levels of student attendance and available appropriations, provided that the per-ADM rate for each class is adjusted by the same percentage.

Funds distributed to a school district may only be used for the following purposes: (1) To improve external connections to schools, with a goal of reaching at least 100 kilobits per second, per student in each school by 2017; (2) To improve internal connections within schools, with a goal of reaching at least 1 megabit per second, per student in each school by 2017; or (3) To develop or expand one-to-one computing initiatives.

A school district that has achieved each of the above goals may submit a plan to the K-12 Technology Committee for permission to expend its allocation on other technology-related uses; such permission shall not be unreasonably withheld and the K-12 Technology Committee must permit districts to appeal any process should a district not receive approval and must provide technical assistance to districts in developing plans should the district request such.

Funds appropriated may not be used to supplant existing school district expenditures on technology. By June 30, 2018, each school district that receives funding during ~~Fiscal Year 2017-18~~ the current fiscal year must provide the K-12 Technology Committee with an itemized report on the amounts and uses of these funds, using a form developed by the Education Oversight Committee. In this report, a school district must provide information on its efforts to obtain reimbursements through the "E-Rate" Schools and Libraries Program administered by the Universal Service Administrative Company. Within its available resources, the K-12 Technology Committee shall support school districts' efforts to obtain these reimbursements.

~~**1A.77.** (SDE-EIA: Carry Forward) For Fiscal Year 2017-18, the Department of Education is directed to allocate \$30,000,000 from carry forward or unencumbered or unobligated cash balances for the School Districts Capital Improvement Plan as set forth in this Act.~~

~~**1A.78.** (SDE-EIA: Instructional Materials Adoption) The Department of Education and the State Board of Education are directed to review the current process for the adoption and appropriation of instructional materials and establish an updated process that will include both print and digital instructional materials no later than December 1, 2017, and make corresponding funding recommendations to the Governor and the General Assembly according to the new process.~~

1A.79. (SDE-EIA: Educator Preparation Provider) Of the funds carried forward from the prior fiscal year, the department is authorized to use up to \$300,000 to develop a data system to house post-certification data and employment for Education Preparation Provider (EPP) completers in accordance with S.C. Code Reg. 43-90. The system must provide the department with the ability to collect, store, and disseminate data elements needed for national accreditation of providers. Such data shall be exempted from disclosure under Section 30-4-40 of the 1976 Code, the South Carolina Freedom of Information Act.

1 **1A.80.** (SDE-EIA: Teacher Academy Pilot) Of the funds appropriated to the Education Oversight Committee for Partnerships
 2 for Innovation, \$100,000 shall be utilized to pilot a Teacher Academy project to improve teacher recruitment and retention. The
 3 academy shall provide intensive professional development to beginning, novice, and struggling teachers during the summer prior to
 4 the current school year. The Education Oversight Committee shall evaluate the impact of the academy using the state observation
 5 tool “Effective Learning Environments Observation Tool” (ELEOT).

6 **1A.81.** (SDE-EIA: Kinesthetic Learning Platform) Of the funds appropriated to the Education Oversight Committee for
 7 Partnerships for Innovation, \$250,000 must be used to pilot a kinesthetic learning platform using physical activity to teach South
 8 Carolina’s Math, English/Language Arts and Literacy standards for the Pre K through 3rd grade learner to improve academic
 9 performance.

10 **1A.82.** (SDE-EIA: Algebra) Of the funds appropriated to the Education Oversight Committee for Partnerships for Innovation,
 11 \$1,500,000 must be used to pilot and evaluate a program that provides students with statewide access to: (a) algebra videos, online
 12 practice tools, and tutoring; (b) algebra videos taught by at least 5 different instructors. The instructors must be from diverse
 13 backgrounds and have different teaching styles so students may differentiate their learning; (c) algebra videos, specifically aligned
 14 with South Carolina state standards; (d) algebra study guides/notes that follow along explicitly with the algebra videos. Each
 15 student must have access to a workbook version of these study guides; (e) algebra practice tool that provides instant feedback to
 16 students, as well as solution videos and guidance to review; and (f) online, collaborative discussion wall where students can ask
 17 questions and receive assistance from both peers and instructors. The discussion wall must be accessible after school and on
 18 weekends.

19 The pilot must also provide teachers with statewide access to: (a) a professional learning community and discussion wall, where
 20 teachers can share best practices and resources; (b) reports on student usage and progress; and (c) teacher materials, answer keys,
 21 and resources accessible within the same platform.

22 **1A.83.** (SDE-EIA: Kindergarten Readiness Program) Of the funds appropriated to the Education Oversight Committee for
 23 Partnerships for Innovation, \$300,000 must be allocated to support a home based, technology delivered kindergarten readiness
 24 program with software aligned with NAEYC’s 12 Principles of Child Development and Learning that Inform Practice and with
 25 Head Start’s Early Learning Outcomes framework and with demonstrated RCT results.

26 **1A.84.** (SDE-EIA: Alternative Commitment to Truancy) *As part of its plan for an alternative school, a school district receiving*
 27 *funds from the Department of Education for an alternative school shall identify available alternatives to commitment for children*
 28 *whose truancy is approaching the level of being referred to family court. When proceeding under S.C. Code Section 59-65-50 to*
 29 *bring an individual case before the family court, the school district must present this plan as well as the district’s efforts with*
 30 *respect to the individual child to the court. Each school district’s plan under this proviso shall include possible assignment to*
 31 *alternative school for a non-attending child before petitioning the court.*

32 **1A.85.** (SDE-EIA: School Safety Program) *Funds appropriated for the School Safety Program shall be utilized by the*
 33 *Department of Education (department) for the purpose of hiring certified law enforcement officers to serve as a school resource*
 34 *officer for school districts that otherwise would lack the adequate resources to hire their own school resource officers. In making*
 35 *determinations of eligibility the department shall use the most recent index of taxing ability as the district’s indicator of ability*
 36 *to pay, with districts of the lowest index of taxing ability receiving priority consideration. Districts must apply for funding*

through the department and no districts shall receive an award of more than eight certified law enforcement officer positions. In making awards the department shall provide funding directly to the local law enforcement agency to pay for the cost of the law enforcement officer that will serve as a full-time school resource officer.

1A.86. *(SDE-EIA: Call Me Mister) Funds appropriated for Call Me Mister shall be allocated to Clemson University to support the Call Me Mister program and must be used to supplement and not supplant existing institutional support for the Call Me Mister Program by Clemson University or any other participating institution of higher education in Fiscal Year 2017-18.*

1A.87. *(SDE-EIA: Workforce Partnerships) Funds appropriated for Workforce Partnerships shall be utilized by the State Board for Technical and Comprehensive Education (Technical College System) to create a grant program whereby local high schools enter a partnership with a local technical college and local industry through a memorandum of understanding or articulation agreement in order to address both the knowledge and career preparation skills of the local workforce through collaboration. The partnership between the high school, technical college, and industry must be focused on providing high-skill, high-wage, and high-need workforce needs in alignment with the Department of Education's career clusters and the Department of Employment and Workforce's sector strategies. In making grant awards the Technical College System shall give additional weight to applicants that have secured a commitment of the greatest amount of matching funds and college in Tier IV and Tier III as identified by the Department of Revenue.*

SECTION 3 - H660 - LOTTERY EXPENDITURE ACCOUNT

3.1. (LEA: Audit) Each state agency receiving lottery funds shall develop and implement procedures to monitor the expenditures of lottery funds in order to ensure that lottery funds are expended in accordance with applicable state laws, rules, and regulations.

For institutions of higher learning, adopted procedures to monitor expenditures of lottery funds shall be reported to the Commission on Higher Education and the Executive Budget Office by October 1, ~~2017~~ *of the current fiscal year*, and these expenditures are subject to annual verification and audit by the Commission on Higher Education on a rotational schedule not to exceed three years. The annual verification and audit shall be funded from the funds appropriated to or authorized for the Commission on Higher Education and the commission shall not assess a fee or charge institutions of higher learning for performing this function. In addition, the Commission on Higher Education shall provide a report to the Executive Budget Office, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee by October first each year summarizing, by institution, how lottery funds were expended in the prior fiscal year, issues and concerns as well as institution responses to those issues and concerns discovered as a result of the commission's verification and/or audit activity during the prior fiscal year, if any.

For the Department of Education, adopted procedures to monitor expenditures of lottery funds that are allocated to the South Carolina school districts and other recipient institutions according to law and Department of Education guidelines shall be reported to the Executive Budget Office by October 1, ~~2017~~ *of the current fiscal year*. In addition, the Department of Education shall provide a report to the Executive Budget Office, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee on the amount of lottery funds the department distributed to each entity in the prior fiscal year.

1 All other state agencies must submit their adopted procedures to monitor expenditures of lottery funds to the Executive Budget
2 Office by October 1, ~~2017~~ *of the current fiscal year*.

3 The Executive Budget Office shall ensure that state agencies receiving lottery funds have procedures in place to monitor
4 expenditures of lottery funds and that the monitoring procedures are operating effectively.

5 **3.2.** (LEA: Election Day Sales) For the current fiscal year, Section 59-150-210(E) is suspended.

6 ~~3.3.~~ (LEA: FY 2017-18 Lottery Funding) ~~There is appropriated from the Education Lottery Account for the following~~
7 ~~education purposes and programs and funds for these programs and purposes shall be transferred by the Executive Budget Office~~
8 ~~as directed below. These appropriations must be used to supplement and not supplant existing funds for education.~~

9 ~~The Executive Budget Office is directed to prepare the subsequent Lottery Expenditure Account detail budget to reflect the~~
10 ~~appropriations of the Education Lottery Account as provided in this section.~~

11 ~~All Education Lottery Account revenue shall be carried forward from the prior fiscal year into the current fiscal year including~~
12 ~~any interest earnings, which shall be used to support the appropriations contained below.~~

13 ~~For Fiscal Year 2017-18, certified net lottery proceeds and investment earnings for the current fiscal year, including the Fiscal~~
14 ~~Year 2016-17 certified surplus, are appropriated as follows:~~

15	(1) Commission on Higher Education LIFE Scholarships as provided in Chapter 149, Title 59	\$ 221,843,614;
16	(2) Commission on Higher Education HOPE Scholarships as provided in Section 59-150-370	\$ 14,458,578;
17	(3) Commission on Higher Education Palmetto Fellows Scholarships as provided in	
18	Section 59-104-20	\$ 51,927,301;
19	(4) Commission on Higher Education and State Board for Technical and Comprehensive	
20	Education Tuition Assistance	\$ 47,342,211;
21	(5) Commission on Higher Education Need Based Grants	\$ 17,537,078;
22	(6) Higher Education Tuition Grants Commission Tuition Grants	\$ 8,830,008;
23	(7) Department of Education School Bus Lease/Purchase	\$ 609,484;
24	(8) State Board for Technical and Comprehensive Education Workforce Scholarship Grants	\$ 8,000,000;
25	(9) Higher Education Tuition Grants Commission SREB Program and Assessments	\$ 349,606;
26	(10) State Board for Technical and Comprehensive Education Allied Health	\$ 3,000,000;
27	(11) Commission on Higher Education Technology Public Four Year	
28	Institutions, Two Year Institutions, and State Technical Colleges	\$ 6,500,000;
29	(12) South Carolina State University	\$ 2,500,000;
30	(13) Department of Education Reading Partners	\$ 400,000;
31	(14) Commission on Higher Education Higher Education Excellence Enhancement Program	\$ 567,473;
32	(15) State Library Aid to County Libraries	\$ 1; and
33	(16) State Board for Technical and Comprehensive Education Military Education, Training	
34	and Support Program	\$ 1.

35 ~~For Fiscal Year 2017-18, net lottery proceeds and investment earnings above the Fiscal Year 2016-17 certified surplus are~~
36 ~~appropriated pro-rata as follows:~~

~~1 *(1) Department of Education--School Bus Lease/Purchase\$ 17,500,000;~~
~~2 *(2) Commission on Higher Education--Research University STEM Equipment\$ 1,000,000;~~
~~3 *(3) State Library--Aid to County Libraries\$ 800,000;~~
~~4 *(4) Commission on Higher Education--Carolina Career Clusters Grant (1:1 Match).....\$ 300,000;~~
~~5 *(5) Commission on Higher Education--Memorial Professorship.....\$ 50,000; and~~
~~6 *(6) State Board for Technical and Comprehensive Education--SPICE Program\$ 250,000.~~
~~7 For Fiscal Year 2017-18, funds certified from unclaimed prizes are appropriated as follows:~~
~~8 (1) Commission on Higher Education--Higher Education Excellence Enhancement Program\$ 5,505,000;~~
~~9 (2) Department of Alcohol and Other Drug Abuse Services--Gambling Addiction Services.....\$ 50,000;~~
~~10 (3) Commission on Higher Education--National Guard Tuition Repayment Program as~~
~~11 provided in Section 59-111-75\$ 4,634,968;~~
~~12 (4) School for the Deaf and the Blind--Technology\$ 200,000;~~
~~13 (5) School for the Deaf and the Blind--Bus/Lease\$ 800,000;~~
~~14 (6) Department of Education--School Bus Lease/Purchase.....\$ 2,810,032; and~~
~~15 (7) State Board for Technical and Comprehensive Education--Critical Training Equipment.....\$ 3,000,000.~~
~~16 If the lottery revenue received from certified unclaimed prizes for Fiscal Year 2017-18 is less than the amounts appropriated, the~~
~~17 projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis.~~
~~18 Any unclaimed prize funds available in excess of the Board of Economic Advisors estimate shall be appropriated as follows:~~
~~19 *(1) Department of Education--School Bus Lease/Purchase\$ 3,000,000;~~
~~20 *(2) Commission on Higher Education--PASCAL\$ 1,500,000; and~~
~~21 *(3) Department of Education--School Bus Lease/Purchaseremaining balance.~~
~~22 Fiscal Year 2017-18 funds appropriated to the Commission on Higher Education and the State Board for Technical and~~
~~23 Comprehensive Education for Tuition Assistance must be distributed to the technical colleges and two-year institutions as provided~~
~~24 in Section 59-150-360. Annually the State Board for Technical and Comprehensive Education and the Commission on Higher~~
~~25 Education shall develop the Tuition Assistance distribution of funds.~~
~~26 The provisions of Section 2-75-30 of the 1976 Code regarding the aggregate amount of funding provided for the Centers of~~
~~27 Excellence Matching Endowment are suspended for the current fiscal year.~~
~~28 The Commission on Higher Education is authorized to temporarily transfer funds between appropriated line items in order to~~
~~29 ensure the timely receipt of scholarships and tuition assistance. It is the goal of the General Assembly to fund the Tuition Assistance~~
~~30 program at such a level to support at least \$996 per student per term for full-time students.~~
~~31 Fiscal Year 2017-18 net lottery proceeds and investment earnings in excess of the certified net lottery proceeds and investment~~
~~32 earnings for this period are appropriated and must be used to ensure that all LIFE, HOPE, and Palmetto Fellows Scholarships for~~
~~33 Fiscal Year 2017-18 are fully funded.~~
~~34 If the lottery revenue received for Fiscal Year 2017-18 is less than the amounts appropriated, the projects and programs receiving~~
~~35 appropriations for any such year shall have their appropriations reduced on a pro rata basis, except that a reduction must not be~~
~~36 applied to the funding of LIFE, HOPE, and Palmetto Fellows Scholarships.~~

~~The Commission on Higher Education is authorized to use up to \$345,000 of the funds appropriated in this provision for LIFE, HOPE, and Palmetto Fellows scholarships to provide the necessary level of program support for the scholarship award process and to provide for a Scholarship Compliance Auditor.~~

~~The Higher Education Tuition Grants Commission is authorized to use up to \$70,000 of the funds appropriated in this provision for Tuition Grants to provide the necessary level of program support for the grants award process.~~

~~The funds appropriated to State Board for Technical and Comprehensive Education for Workforce Pathways Scholarships and Grants shall be used to provide grants for tuition, fees, transportation, or textbook expenses to South Carolina residents enrolled in a career education program that meets all eligibility guidelines promulgated by the State Board for Technical and Comprehensive Education in consultation with the Department of Education, except that funds shall not be used for continuing education courses that do not lead to a degree or professional certificate. Grants may be awarded from the fund in an amount not exceeding ten thousand dollars or the total cost of attendance, whichever is less, for students to attend the program of their choice at a South Carolina technical school or professional certification program. By March fifteenth of the academic year provided, the State Board for Technical and Comprehensive Education shall provide a report to the Chairman of House Ways and Means Committee and the Chairman of the Senate Finance Committee containing a list of programs, amount of funding spent per program, number of students that received grants, and the grant amount per student.~~

~~Of the funds appropriated to the Commission on Higher Education for institutions of higher learning entitled "Technology Public Four Year Institutions, Two Year Institutions, and State Technical Colleges," (Technology) the commission shall allocate the realized funds on a proportional basis as follows:~~

(1) The Citadel.....	\$ 265,119;
(2) University of Charleston.....	\$ 554,488;
(3) Coastal Carolina University.....	\$ 494,175;
(4) Francis Marion University.....	\$ 252,940;
(5) Lander University.....	\$ 259,785;
(6) South Carolina State University.....	\$ 238,205;
(7) USC Aiken Campus.....	\$ 232,679;
(8) USC Upstate.....	\$ 315,898;
(9) USC Beaufort Campus.....	\$ 172,940;
(10) USC Lancaster Campus.....	\$ 129,652;
(11) USC Salkehatchie Campus.....	\$ 129,652;
(12) USC Sumter Campus.....	\$ 129,652;
(13) USC Union Campus.....	\$ 129,652;
(14) Winthrop University.....	\$334,496; and
(15) State Technical Colleges and State Board for	
Technical and Comprehensive Education.....	\$2,860,667.

~~Unless otherwise provided herein, each institution shall use the amount appropriated only for technology repair and related technology maintenance and/or upgrades that are necessary to support an institution's educational purpose.~~

~~—Prior to the utilization of these funds, institutions must certify to the Commission on Higher Education, in a manner it prescribes, the extent to which they have met this requirement.~~

~~—Not later than one hundred twenty days after the close of the fiscal year, the Commission on Higher Education shall report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee regarding the utilization of this provision.~~

~~—Funds not expended in the prior fiscal year may be carried forward into the current fiscal year and utilized for the same purpose, subject to certification from the Commission on Higher Education they continue to meet the requirement of this provision.~~

~~—Of the funds appropriated above to the State Board for Technical and Comprehensive Education for “Critical Training Equipment,” the State Board shall allocate the realized funds on a proportional basis as follows:~~

- ~~—(1) Aiken Technical College.....\$ 153,422;~~
- ~~—(2) Central Carolina Technical College.....\$ 160,719;~~
- ~~—(3) Denmark Technical College.....\$ 81,152;~~
- ~~—(4) Florence Darlington Technical College.....\$ 167,588;~~
- ~~—(5) Greenville Technical College.....\$ 262,438;~~
- ~~—(6) Horry Georgetown Technical College.....\$ 207,701;~~
- ~~—(7) Midlands Technical College.....\$ 215,503;~~
- ~~—(8) Northeastern Technical College.....\$ 125,460;~~
- ~~—(9) Orangeburg Calhoun Technical College.....\$ 324,216;~~
- ~~—(10) Piedmont Technical College.....\$ 194,843;~~
- ~~—(11) Spartanburg Community College.....\$ 168,289;~~
- ~~—(12) Technical College of the Lowcountry.....\$ 137,227;~~
- ~~—(13) Tri County Technical College.....\$ 187,241;~~
- ~~—(14) Trident Technical College.....\$ 328,138;~~
- ~~—(15) Williamsburg Technical College.....\$ 117,874; and~~
- ~~—(16) York Technical College.....\$ 168,189.~~

~~—Funds appropriated within this provision to the State Board for Technical and Comprehensive Education for Technology and/or Critical Training Equipment may be utilized in whole or in part for repair or replacement of Allied Health related equipment at the discretion of each individual technical college.~~

~~—Of the funds appropriated to the Commission on Higher Education for Research University STEM Equipment, the commission shall disburse the funds to Clemson University, the University of South Carolina Columbia, and the Medical University of South Carolina proportionally based on each institution’s proportion of general fund appropriation in Part 1A of Act 284 of 2016 as compared to the general fund appropriation in that Act for the three institutions in total.~~

~~—Of the funds appropriated to the Commission on Higher Education for Carolina Careers Cluster Grant (1:1 match), upon application by an eligible institution as defined in this paragraph, the commission shall equally disburse funds to eligible independent HBCU’s domiciled in this State that were each recipients of a single competitive grant from a private sector endowment of not less than \$1,000,000 in the immediately preceding fiscal year, the proceeds of which are intended to better~~

1 prepare students for employment in high paying job clusters across the State. Funds must be spent on students and/or student
 2 support services directly related to the private sector grantor's initiative and for no other purpose. Prior to disbursement, the
 3 commission shall verify that an eligible institution will provide no less than a 1 to 1 match of the funds to be disbursed.

4 ~~—Funds appropriated to the Department of Education for Reading Partners shall be allocated to Reading Partners and must be used~~
 5 ~~to increase the number of reading interventions for students in low performing schools in grades K-5. The Office of Early~~
 6 ~~Learning and Literacy shall specify planning criteria to be submitted by Reading Partners no later than July fifteenth of the current~~
 7 ~~fiscal year. Planning criteria shall include, but is not limited to, pre and post assessment data, parental and family literacy~~
 8 ~~engagement, summer learning support and building school level capacity for intervention. The department shall report to the~~
 9 ~~Governor, the Chairman of the Senate Finance Committee, the Chairman of the Senate Education Committee, the Chairman of the~~
 10 ~~House Ways and Means Committee and the Chairman of the House Education Committee by June 15, 2018 on the impact of the~~
 11 ~~program.~~

12 ~~—Of the funds appropriated to the Commission on Higher Education for Memorial Professorship, the Commission shall disburse~~
 13 ~~the funds to the State's only non-profit, four year comprehensive institution of higher learning that was first established as a~~
 14 ~~college in 1908, provided that the college is SACS accredited and has at least forty percent or more minority enrollment. The~~
 15 ~~college must utilize the funds in support for a memorial professorship(s) for the purpose of helping the college recruit and retain~~
 16 ~~faculty members whose research, teaching and service uniquely contribute to the mission of the college.~~

17 ~~—Of the funds appropriated to the State Board for Technical and Comprehensive Education for SPICE Program, the board shall~~
 18 ~~transfer the funds to Greenville Technical College, upon which the college, from the entirety of the funds allocated to it pursuant to~~
 19 ~~this Act, must dedicate no less than \$250,000 annually towards the creation and/or maintenance of a "Self Paced In-Classroom~~
 20 ~~Education" (SPICE) program designed to prepare eligible citizens for re-entry into the workforce through gainful employment in~~
 21 ~~skilled and other professions.~~

22 **3.4.** (LEA: Student Unique Identifiers) For the current fiscal year, in order to provide longitudinal data, institutions of higher
 23 education and technical colleges accepting lottery funds must retain the student unique identifier or SUNS number assigned to
 24 students who attended public high schools in South Carolina. This shall not prohibit institutions of higher education or technical
 25 colleges from using additional student identifiers.

26 **3.5.** *(LEA: FY 2018-19 Lottery Funding) There is appropriated from the Education Lottery Account for the following education*
 27 *purposes and programs and funds for these programs and purposes shall be transferred by the Executive Budget Office as directed*
 28 *below. These appropriations must be used to supplement and not supplant existing funds for education.*

29 *The Executive Budget Office is directed to prepare the subsequent Lottery Expenditure Account detail budget to reflect the*
 30 *appropriations of the Education Lottery Account as provided in this section.*

31 *All Education Lottery Account revenue shall be carried forward from the prior fiscal year into the current fiscal year including*
 32 *any interest earnings, which shall be used to support the appropriations contained below.*

33 *For Fiscal Year 2018-19, certified net lottery proceeds and investment earnings for the current fiscal year are appropriated as*
 34 *follows:*

35 *(1) Commission on Higher Education--LIFE Scholarships as provided in Chapter 149, Title 59\$ 230,056,162;*

36 *(2) Commission on Higher Education--HOPE Scholarships as provided in Section 59-150-370\$ 15,563,241;*

1 (3) Commission on Higher Education--Palmetto Fellows Scholarships as provided in
 2 Section 59-104-20\$ 55,362,716;

3 (4) Commission on Higher Education and State Board for Technical and Comprehensive
 4 Education--Tuition Assistance\$ 52,122,452;

5 (5) Commission on Higher Education--Need-Based Grants\$ 18,065,421;

6 (6) Higher Education Tuition Grants Commission--Tuition Grants\$ 8,830,008;

7 (7) State Board for Technical and Comprehensive Education--Workforce Scholarship Grants.....\$ 8,000,000;

8 For Fiscal Year 2018-19, the FY 2017-18 certified surplus is appropriated as follows:

9 (1) Commission on Higher Education--Need Based Grants.....\$ 8,400,000;

10 For Fiscal Year 2018-19, funds certified from unclaimed prizes are appropriated as follows:

11 (1) Commission on Higher Education--Higher Education Excellence Enhancement Program\$ 6,072,473;

12 (2) State Board for Technical and Comprehensive Education--Workforce Scholarships and Grants.....\$ 3,000,000;

13 (3) Commission on Higher Education--Need-Based Grants\$ 7,504,128;

14 (4) Commission on Higher Education--National Guard Tuition Repayment Program as
 15 provided in Section 59-111-75.....\$ 2,373,399;

16 (5) Department of Alcohol and Other Drug Abuse Services--Gambling Addiction Services.....\$ 50,000;

17 If the lottery revenue received from certified unclaimed prizes for Fiscal Year 2018-19 is less than the amounts appropriated, the
 18 projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis.

19 Fiscal Year 2018-19 funds appropriated to the Commission on Higher Education and the State Board for Technical and
 20 Comprehensive Education for Tuition Assistance must be distributed to the technical colleges and two-year institutions as provided
 21 in Section 59-150-360. Annually the State Board for Technical and Comprehensive Education and the Commission on Higher
 22 Education shall develop the Tuition Assistance distribution of funds.

23 The provisions of Section 2-75-30 of the 1976 Code regarding the aggregate amount of funding provided for the Centers of
 24 Excellence Matching Endowment are suspended for the current fiscal year.

25 The Commission on Higher Education is authorized to temporarily transfer funds between appropriated line items in order to
 26 ensure the timely receipt of scholarships and tuition assistance. It is the goal of the General Assembly to fund the Tuition Assistance
 27 program at such a level to support at least \$996 per student per term for full time students.

28 Fiscal Year 2018-19 net lottery proceeds and investment earnings in excess of the certified net lottery proceeds and investment
 29 earnings for this period are appropriated and must be used to ensure that all LIFE, HOPE, and Palmetto Fellows Scholarships for
 30 Fiscal Year 2018-19 are fully funded.

31 If the lottery revenue received for Fiscal Year 2018-19 is less than the amounts appropriated, the projects and programs receiving
 32 appropriations for any such year shall have their appropriations reduced on a pro rata basis, except that a reduction must not be
 33 applied to the funding of LIFE, HOPE, and Palmetto Fellows Scholarships.

34 The Commission on Higher Education is authorized to use up to \$345,000 of the funds appropriated in this provision for LIFE,
 35 HOPE, and Palmetto Fellows scholarships to provide the necessary level of program support for the scholarship award process and
 36 to provide for a Scholarship Compliance Auditor.

The Higher Education Tuition Grants Commission is authorized to use up to \$70,000 of the funds appropriated in this provision for Tuition Grants to provide the necessary level of program support for the grants award process.

The funds appropriated to State Board for Technical and Comprehensive Education for Workforce Pathways Scholarships and Grants shall be used to provide grants for tuition, fees, transportation, or textbook expenses to South Carolina residents enrolled in a career education program that meets all eligibility guidelines promulgated by the State Board for Technical and Comprehensive Education in consultation with the Department of Education, except that funds shall not be used for continuing education courses that do not lead to a degree or professional certificate. Grants may be awarded from the fund in an amount not exceeding ten thousand dollars or the total cost of attendance, whichever is less, for students to attend the program of their choice at a South Carolina technical school or professional certification program. By March fifteenth of the academic year provided, the State Board for Technical and Comprehensive Education shall provide a report to the Chairman of House Ways and Means Committee and the Chairman of the Senate Finance Committee containing a list of programs, amount of funding spent per program, number of students that received grants, and the grant amount per student.

SECTION 5 - H710 - WIL LOU GRAY OPPORTUNITY SCHOOL

5.1. (WLG: Truants) The Opportunity School will incorporate into its program services for students, ages fifteen and over, who are deemed truant; and will cooperate with the Department of Juvenile Justice, the Family Courts, and School districts to encourage the removal of truant students to the Opportunity School when such students can be served appropriately by the Opportunity School's program.

5.2. (WLG: GED Test) Students attending school at the Wil Lou Gray Opportunity School that are sixteen years of age and are unable to remain enrolled due to the necessity of immediate employment or enrollment in post-secondary education may be eligible to take the General Education Development (GED) Test.

5.3. (WLG: Deferred Salaries Carry Forward) Wil Lou Gray is authorized to carry forward into the current fiscal year the amount of the deferred salaries and employer contributions earned in the prior fiscal year for non-twelve month employees. These deferred funds are not to be included or part of any other authorized carry forward amount.

~~**5.4.** (WLG: Improved Forestry Practices) The Trustees of the Wil Lou Gray Opportunity School may carry out improved forestry practices on the timber holdings of the school property and apply the revenues derived from them and any other revenue source on the property for the further improvement and development of the school forest and other school purposes.~~

5.5. (WLG: Educational Program Initiatives) Wil Lou Gray Opportunity School is authorized to utilize funds received from the Department of Education for vocational equipment on educational program initiatives.

5.6. (WLG: Lease Revenue) Wil Lou Gray Opportunity School is authorized to retain revenues derived from the lease of school properties titled to or utilized by the school and may use revenues retained for general school operations, including, but not limited to, maintenance of such properties. Unexpended funds may be carried forward into the current fiscal year and used for the same purposes.

1 **5.7.** (WLG: USDA Federal Grants) All revenues generated from USDA federal grants may be retained and expended by the
2 school in accordance with Federal regulations for the purpose of covering actual expenses in the cafeteria/food service operations
3 of the school.

4 **5.8.** (WLG: By-Products Revenue Carry Forward) The Wil Lou Gray Opportunity School is authorized to sell goods that are
5 by-products of the school's programs and operations, charge user fees and fees for services to the general public, individuals,
6 organizations, agencies and school districts, and such revenue may be retained and carried forward into the current fiscal year and
7 expended for the purpose of covering expenses of the school's programs and operations.
8

9 **SECTION 6 - H750 - SCHOOL FOR THE DEAF AND THE BLIND**

10

11 **6.1.** (SDB: Student Activity Fee) The School for the Deaf and the Blind is authorized to charge to the parents of students at the
12 school a student activity fee, differentiated according to the income of the family. The required student activity fee shall not
13 exceed \$40.00. Such revenue may be retained and carried forward into the current fiscal year and expended for the purpose of
14 covering expenses for student activities.

15 **6.2.** (SDB: Weighted Student Cost) The School for the Deaf and the Blind shall receive through the Education Finance Act the
16 average State share of the required weighted cost for each student enrolled in the School.

17 **6.3.** (SDB: Admissions) Deaf, blind, multi-disabled and other disabled students identified by the Board of Commissioners as
18 target groups for admission to the South Carolina School for the Deaf and the Blind may be admitted by the School either through
19 direct application by parents or on referral from the local school district. The Board of Commissioners shall define the appropriate
20 admissions criteria including mental capacity, degree of disability, functioning level, age, and other factors deemed necessary by
21 the board. All placement hearings for admission to the South Carolina School for the Deaf and the Blind shall be organized by the
22 School. The South Carolina School for the Deaf and the Blind shall obtain information from the local school district concerning
23 the needs of the student and shall prepare an Individualized Education Plan for each student admitted. All parents applying for
24 admission of their children must sign a statement certifying that they feel the South Carolina School for the Deaf and the Blind is
25 the most appropriate placement which constitutes the least restrictive environment for the individual student, based upon needs
26 identified in the placement meeting and the Individualized Education Plan. The decision concerning placement and least restrictive
27 environment shall be reviewed annually at the IEP Conference.

28 **6.4.** (SDB: Mobility Instructor Service Fee) The School for the Deaf and the Blind is authorized to charge a fee for the services
29 of a mobility instructor to provide service on a contractual basis to various school districts in the state, and such revenue shall be
30 retained and carried forward into the current fiscal year and expended by the School for the purpose of covering expenses in the
31 Blind School.

32 **6.5.** (SDB: Cafeteria Revenues) All revenues generated from cafeteria operations may be retained and expended by the
33 institution for the purpose of covering actual expenses in cafeteria operations.

34 **6.6.** (SDB: School Buses) The school buses of the South Carolina School for the Deaf and the Blind are authorized to travel at
35 the posted speed limit.

1 **6.7.** (SDB: USDA Federal Grants) All revenues generated from USDA federal grants may be retained and expended by the
2 SCSDb in accordance with Federal regulations for the purpose of covering actual expenses in the cafeteria/food service operations
3 of the school.

4 **6.8.** (SDB: By-Products Revenue Carry Forward) The School for the Deaf and the Blind is authorized to sell goods that are
5 by-products of the school's programs and operations, charge user fees and fees for services to the general public: individuals,
6 organizations, agencies and school districts, and such revenue may be retained and carried forward into the current fiscal year and
7 expended for the purpose of covering expenses of the school's programs and operations.

8 **6.9.** (SDB: Deferred Salaries Carry Forward) South Carolina School for the Deaf and the Blind is authorized to carry forward in
9 the current fiscal year the amount of the deferred salaries and employer contributions earned in the prior fiscal year for non-twelve
10 month employees. These deferred funds are not to be included or part of any other authorized carry forward amount.

11 **6.10.** (SDB: Sale of Property) After receiving approval from the Department of Administration or State Fiscal Accountability
12 Authority for the sale of property, the school may retain revenues associated with the sale of property titled to or utilized by the
13 school. These funds shall be expended on capital improvements approved by the Joint Bond Review Committee and the State
14 Fiscal Accountability Authority. For the current fiscal year, the school is authorized to use the retained revenue from the sale of
15 donated property for educational and other operating purposes.

16 **6.11.** (SDB: USC-Upstate Visual Impairment Master of Education Program) Of the funds appropriated to the South Carolina
17 School for the Deaf and the Blind, \$50,000 shall be used to fund the Master of Education Program In Visual Impairment at the
18 University of South Carolina - Upstate.

19 **6.12.** (SDB: Educational Program Initiatives) The School for the Deaf and Blind is authorized to utilize funds received from
20 the Department of Education for vocational equipment on educational program initiatives.

21 **6.13.** (SDB: School Leave Policy) The School for the Deaf and Blind is authorized to promulgate administrative policy
22 governing annual and sick leave relative to faculty and staff with the approval of the School's board of directors. This policy shall
23 address the school calendar in order to comply with the instructional needs of students attending the school.

24 **6.14.** (SDB: Buildings) For the current fiscal year; the South Carolina School for the Deaf and Blind will be subject to the
25 same requirements as a local education agency for the purposes of building renovation and construction.

26 **6.15.** (SDB: Early Childhood Center) The School for the Deaf and the Blind shall be authorized to redirect and transfer the
27 \$500,000 appropriated for the Thackston Hall Roof Replacement in Act 91 of 2015 by proviso 118.14(B)(5)(a) to the Early
28 Childhood Center Construction project.

29 30 **SECTION 7 - L120 - JOHN DE LA HOWE SCHOOL**

31
32 **7.1.** (JDLHS: Status Offender Carry Forward) Unexpended status offender funds distributed to John de la Howe School from
33 the Department of Education may be carried forward and used for the same purpose.

34 **7.2.** (JDLHS: Campus Private Residence Leases) John de la Howe School is authorized to lease, to its employees, private
35 residences on the agency's campus. Funds generated may be retained and used for general operating purposes including, but not
36 limited to, maintenance of the residences.

1 **7.3.** (JDLHS: Deferred Salaries Carried Forward) John de la Howe School is authorized to carry forward into the current fiscal
 2 year the amount of deferred salaries and employer contributions earned in the prior fiscal year for non-twelve month employees.
 3 These deferred funds are not to be included or part of any other authorized carry forward amount.

4 **7.4.** (JDLHS: Transition) For Fiscal Year ~~2017-18~~ *2018-19*, all financial and programmatic management and operations of the
 5 John de la Howe School shall continue to operate. However, the wilderness camp activities and the operation of the residential
 6 facilities shall be maintained as the primary operation of the school.

7 ~~—The John de la Howe Board may utilize funds to perform or contract for an evaluation and report focused on: (1) what~~
 8 ~~agricultural educational programs can be offered that align with the terms and purpose of the Dr. John de la Howe will; (2) what~~
 9 ~~land management and operation changes are needed in order for the property and remaining assets to support the agricultural~~
 10 ~~education programming mission of the will; and (3) what would be the projected costs of and timeframe for these changes.~~

11 ~~—John de la Howe School shall report to the Senate Finance Committee and to the House Ways and Means Committee by~~
 12 ~~December first of the current fiscal year on its findings and recommendations.~~

13 14 **SECTION 8 - H670 - EDUCATIONAL TELEVISION COMMISSION**

15
16 **8.1.** (ETV: Grants/Contributions Carry Forward) The Educational Television Commission shall be permitted to carry forward
 17 any funds derived from grant awards or designated contributions and any state funds necessary to match such funds, provided that
 18 these funds be expended for the programs which they were originally designated.

19 **8.2.** (ETV: Spectrum Auction) The Educational Television Commission shall be authorized to receive and retain up to
 20 \$35,000,000 of the proceeds from the Federal Communication Commission TV Auction and place them in a segregated, restricted
 21 account. These proceeds shall be used to fund capital needs, including broadcast industry standards changes, existing equipment
 22 repair, maintenance and replacement needs, and operational costs. ~~Any proceeds received above \$35,000,000 must be placed into~~
 23 ~~a segregated account and transferred to the Department of Education to be used as follows: \$5,000,000 for the Education~~
 24 ~~Foundation Supplement and any remaining proceeds for school bus purchases.~~ Unexpended funds shall be carried forward from
 25 the prior fiscal year into the current fiscal year and used for the same purpose. No later than June thirtieth of the current fiscal year,
 26 ETV must report to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee
 27 the amount of money expended from the fund and the balance of the fund.

28 **8.3.** (ETV: Antenna and Tower Placement) All leases for antenna and tower operations within institutions of higher learning
 29 campuses must conform to master plans for such property, as determined solely by the institution of higher learning.

30 **8.4.** (ETV: Wireless Communications Tower) The Educational Television Commission is directed to coordinate tower and
 31 antenna operations within South Carolina state government. The commission shall (1) approve all leases regarding antenna
 32 placement on state-owned towers and buildings, (2) coordinate all new tower construction on state-owned property, (3) promote
 33 and market excess capacity on the State's wireless communications infrastructure, (4) generate revenue by leasing, licensing, or
 34 selling excess capacity on the State's wireless communications infrastructure, and (5) construct new communications assets on
 35 appropriate state-owned property for the purpose of generating revenue pursuant to this proviso. The commission shall retain and
 36 expend such funds for agency operations. The commission shall be authorized to carry forward unexpended funds from the prior

1 fiscal year into the current fiscal year. The commission shall annually report to the Chairmen of the Senate Finance and House
2 Ways and Means Committees by October first of each year all revenue collected and disbursed.
3

4 **SECTION 11 - H030 - COMMISSION ON HIGHER EDUCATION** 5

6 **11.1.** (CHE: Contract for Services Program Fees) The amounts appropriated in this section for “Southern Regional Education
7 Board Contract Programs” and “Southern Regional Education Board Dues” are to be used by the commission to pay to the
8 Southern Regional Education Board the required contract fees for South Carolina students enrolled under the Contract for Services
9 program of the Southern Regional Education Board, in specific degree programs in specified institutions and the Southern
10 Regional Education Board membership dues. The funds appropriated may not be reduced to cover any budget reductions or be
11 transferred for other purposes.

12 **11.2.** (CHE: African-American Loan Program) Of the funds appropriated to the Commission on Higher Education for the
13 African-American Loan Program, 73.7 percent shall be distributed to South Carolina State University and 26.3 percent shall be
14 distributed to Benedict College, and must be used for a loan program with the major focus of attracting African-American males to
15 the teaching profession. The Commission of Higher Education shall act as the monitoring and reporting agency for the
16 African-American Loan Program. Of the funds allocated according to this proviso, no more than ten percent shall be used for
17 administrative purposes.

18 **11.3.** (CHE: GEAR-UP) Funds appropriated for GEAR-UP shall be used for state grants programs to reach disadvantaged
19 middle school students to improve their preparation for college. Eligible South Carolina public schools and public institutions of
20 higher education shall cooperate with the Commission on Higher Education in the provision of services under the Gaining Early
21 Awareness and Readiness for Undergraduate Programs (GEAR-UP) grant.

22 **11.4.** (CHE: EPSCoR Committee Representation) With the intent that the four-year teaching institutions receive a portion of
23 EPSCoR funding, the State EPSCoR Committee shall have an executive committee consisting of one representative from each of
24 the research institutions and one representative from the four-year teaching university sector.

25 **11.5.** (CHE: SREB Funds Exempt From Budget Cut) In the calculation of any across the board cut mandated by the Executive
26 Budget Office or General Assembly, the amount which the Commission on Higher Education is appropriated for Southern
27 Regional Education Board (SREB) Professional Scholarship Programs and Fees, Dues and Assessments shall be excluded from the
28 Commission on Higher Education’s base budget. Funds appropriated for SREB programs may be carried forward into the current
29 fiscal year and expended for the same purpose by the Commission on Higher Education.

30 **11.6.** (CHE: Performance Improvement Pool Allocation) Of the funds appropriated to the Commission on Higher Education
31 under Section II. Other Agencies & Entities: Special Items: Performance Funding, eighty percent will be allocated to the EPSCoR
32 program under the Commission on Higher Education to improve South Carolina’s research capabilities and twenty percent will be
33 allocated to support the management education programs of the School of Business at South Carolina State University.

34 **11.7.** (CHE: Troop-to-Teachers) Members of the Armed Forces either active-duty, retired, or separated who are admitted to
35 and enrolled in the South Carolina Troop-to-Teachers Alternative Route to Certification program are entitled to pay in-state rates at
36 participating state institutions for requisite program work.

1 **11.8.** (CHE: Need-Based Grants for Foster Youth) For the current academic year, youth in the custody of the Department of
2 Social Services and attending a higher education institution in South Carolina are eligible for additional need-based grants funding
3 of up to \$2,000 above the \$2,500 maximum. Foster youth must apply for these funds no later than May first, of the preceding year.
4 All other grants, both state and federal, for which these foster youth are eligible must be applied first to the cost of attendance prior
5 to using the additional need-based grant funding. If the cost of attendance for a foster youth is met with other grants and
6 scholarships, then no additional need-based grant may be used. The Department of Social Services, in cooperation with the
7 Commission on Higher Education will track the numbers of recipients of this additional need-based grant to determine its
8 effectiveness in encouraging more foster youth to pursue a secondary education. No more than \$100,000 may be expended from
9 currently appropriated need-based grants funding for this additional assistance.

10 **11.9.** (CHE: Tuition Age) For the current fiscal year, the age limitation for those children of certain war veterans who may be
11 admitted to any state-supported college, university, or post high school technical education institution free of tuition is suspended
12 for eligible children that successfully appeal the Division of Veterans Affairs on the grounds of a serious extenuating health
13 condition.

14 **11.10.** (CHE: LIFE and Palmetto Fellows Enhancement Stipends) In the current fiscal year before fall awards are made, to
15 continue eligibility for LIFE and Palmetto Fellows Enhancement Stipends, students shall certify and the institutions shall verify
16 that the student is meeting all requirements as stipulated by the policies established by the institution and the academic department
17 to be enrolled as a declared major in an eligible program and is making academic progress toward completion of the student's
18 declared eligible major. These determinations are subject to the verification and audit of the Commission on Higher Education.
19 Institutions shall return funds determined to have been awarded to ineligible students.

20 **11.11.** (CHE: SmartState) The Commission on Higher Education is prohibited from expending any source of funds on the
21 marketing of the SmartState Program.

22 **11.12.** (CHE: College Transition Need-Based Grants) Of the currently appropriated need-based grants funding, no more than
23 \$350,000 shall be used to provide need-based grants to South Carolina resident students enrolled at a public institution of higher
24 education in an established college transition program that serves students with intellectual disabilities. The Commission on
25 Higher Education shall allocate the available funds to eligible institutions on the basis of student need and enrollment in the
26 established college transition programs. All other grants and gift aid for which these students are eligible must be applied first to
27 the cost of attendance prior to using the need-based grant funding. If the cost of attendance for an eligible student is met with all
28 other grants and gift aid, the need-based grant shall not be used. The participating institutions, in cooperation with the Commission
29 on Higher Education, shall track the number of grant recipients and other information determined necessary to evaluate the
30 effectiveness of these grants in assisting students with intellectual disabilities in college transition programs.

31 **11.13.** (CHE: Scholarship Awards) A student may receive a Palmetto Fellows or LIFE scholarship award during the summer, in
32 addition to fall and spring semesters of an academic year, provided continued eligibility requirements are met as of the end of the
33 spring semester. Students must enroll full-time, which for purposes of the summer award will require enrollment in at least twelve
34 hours over the course of the summer. The summer is defined as the period between the end of the spring term and prior to the
35 opening of the fall term. The total summer award per student may not exceed half of the allowable academic year award up to the
36 cost of attendance and must be reimbursed if less than twelve hours for academic credit are not attempted by the student during

1 summer sessions. If awarded in the summer, a student's total award during his or her enrollment may not exceed the amount that
2 would otherwise be provided under current semester limits applied for the scholarship awards. The Commission on Higher
3 Education may provide additional guidelines necessary to ensure uniform implementation.

4 **11.14.** (CHE: Other Funded FTE Revenue) When institutions of higher learning request additional other funded full-time
5 equivalent positions, the Executive Budget Office shall inform the Commission on Higher Education of its decision regarding the
6 request and whether or not sufficient revenues exist to fund the salary and fringe benefits for the positions.

7 **11.15.** (CHE: Abatements) By November first of each year, state supported institutions of higher learning must submit to the
8 Commission on Higher Education the total number of out-of-state undergraduate students during the prior fiscal year that received
9 abatement of rates pursuant to Section 59-112-70 of the 1976 Code as well as the total dollar amount of the abatements received.
10 The report must include the geo-origin of the student, class of the student, comprehensive listing of all financial awards received by
11 the student, number of semesters the student has received the abated rate, as well as the athletic status of the student. The report
12 must also include the calculation method used to determine the abatement amount awarded to students as well as the number of
13 students that received educational fee waivers pursuant to Section 59-101-620. The Commission on Higher Education is directed
14 to compile the information received from the state-supported institutions of higher learning into a comprehensive report and submit
15 such report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by
16 January fifth each year.

17 **11.16.** (CHE: Outstanding Institutional Debt) By November first, institutions of higher learning must submit to the Chairman of
18 the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Commission on Higher
19 Education, or its successor entity, data on all outstanding institutional debt for their respective institution. Data shall include, but
20 not be limited to, the amount of the initial debt, year in which the debt was incurred, the year in which the debt will be satisfied, the
21 repayment schedule, and the purpose for which the debt was incurred.

22 **11.17.** (CHE: Longitudinal Data Reports) By December first each year, the Commission on Higher Education is directed to
23 provide a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee on
24 tuition and required fee trends submitted to the commission by the state's public colleges and universities. The baseline of the
25 report must be the most recent fall semester compared to the previous five fall semesters. The commission shall also provide
26 comparable data and trends for and among SREB states for the same period of time. In addition, for the same time periods noted
27 above, the commission shall also calculate in the report the level of recurring base state operating funding received by each college
28 and university as measured on an in-state student basis as well as the average of such funding provided in each SREB state.

29 **11.18.** (CHE: Suspend Governor's Professor of the Year Award) The requirements of Section 59-104-220 of the 1976 Code
30 pertaining to the Governor's Professor of the Year Award shall be suspended for Fiscal Year ~~2017-18~~ 2018-19.

31 **11.19.** (CHE: SmartState Review Board Study) Of the funds appropriated to the Commission on Higher Education, on or before
32 December 31, 2017, the Research Centers of Excellence Review Board shall submit to the President Pro Tempore of the Senate,
33 the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, the Chairman of the House Ways
34 and Means Committee, and the Governor, written recommendations regarding a plan to sunset the SmartState Board and how best
35 to transition some of its responsibilities to an appropriate entity of state government for any continuing administrative program

management, including a minimum budget necessary for administration, as well as for oversight and/or accountability responsibilities related to awards made on or before August 1, 2017, that may remain after the SmartState Board sunsets.

***11.20. (CHE: Auxiliary Project Approval)** *For FY 2017-18, the provisions of Section 2-47-40(B) of the 1976 Code, as it relates to comments and recommendation of the Commission on Higher Education, shall be suspended for institutions of higher education auxiliary, athletic, maintenance and renovation permanent improvement projects. Institutions of higher education shall submit auxiliary, athletic, maintenance and renovation project proposals, through the Department of Administration's Executive Budget Office, directly to the Joint Bond Review Committee and State Fiscal Accountability Authority and shall not submit such project proposals through the Commission on Higher Education for comments and recommendations.*

11.21. (CHE: Enrollment and Financial Data Submission) *Each public institution of higher education shall submit the following information to the Commission on Higher Education by October 1, 2018:*

(1) The total amount paid by each student, and amount of any deviation from the "sticker price" itemized in the following categories:

(A) Net tuition paid (out-of-pocket by student)

(B) Abatement received

(C) Waiver received

(D) Institutional scholarship received

(E) State grant received (i.e. lottery scholarship, need-based, etc.)

(F) Federal grant received (i.e. Pell grant, etc.)

(G) Assistantships

(H) All awards/grants to reduce cost of room and board;

(2) Household income per student (if such information is collected);

(3) Pre-enrollment income (if such information is collected);

(4) Electronically upload information from Consolidated Annual Financial Reports (CAFRs), from 2000 to present, directly into the Commission on Higher Education Management Information System (CHEMIS) including, but not limited to:

(A) Statement of Net Position

(B) Statement of Revenues, Expenses and Changes in Net Position

(C) Statement of Cash Flow

(D) The long term debt broken down by Revenue bonds and General Obligation bonds;

(5) Data and reports submitted to credit rating agencies for credit worthiness evaluation, along with resulting credit reports received from credit rating agencies;

(6) Current bonding capacity (based on tuition and enrollments), along with projected increases/decreases in future bonding capacity;

(7) Breakdown of auxiliary expenses and revenues by type;

(8) Breakdown of projected increases and decreases in fringe benefits, including healthcare spending.

The University of South Carolina shall report all financial information, including CAFR information, for USC-Lancaster, USC-Salkehatchie, USC-Sumter and USC-Union separately from financial information reported for USC-Columbia.

SECTION 18 - H210 - LANDER UNIVERSITY

~~18.1. (LU: Renovation and Repairs) Funds appropriated to Lander University for the Montessori Education Building may be used for university renovation and repairs.~~

SECTION 20 - H450 - UNIVERSITY OF SOUTH CAROLINA

20.1. (USC: Palmetto Poison Center) Of the funds appropriated or authorized herein, the University of South Carolina shall expend at least \$150,000 on the Palmetto Poison Center.

20.2. (USC: School Improvement Council) Of the funds appropriated to the University of South Carolina Columbia Campus, \$100,000 shall be used for the School Improvement Council.

20.3. (USC: Child Abuse Medical Response Program) Of the funds appropriated to the University of South Carolina School of Medicine, not less than ~~\$750,000~~ \$2,250,000 shall be expended for the Child Abuse and Neglect Medical Response Program. In addition, when instructed by the Executive Budget Office or the General Assembly to reduce funds by a certain percentage, the university may not reduce the funds for the Child Abuse and Neglect Medical Response Program greater than such stipulated percentage.

SECTION 23 - H510 - MEDICAL UNIVERSITY OF SOUTH CAROLINA

23.1. (MUSC: Rural Dentist Program) The Rural Dentist Program, in coordination with the Department of Health and Environmental Control's Public Health Dentistry Program, is established at the Medical University of South Carolina. The funds appropriated to the Medical University of South Carolina for the Rural Dentist Program shall be administered by the South Carolina Area Health Education Consortium physician recruitment office. The costs associated with administering this program are to be paid from the funds appropriated to the Rural Dentist Program and shall not exceed four percent of the appropriation. The Medical University of South Carolina is responsible for the fiscal management of funds to ensure that state policies and guidelines are adhered to. MUSC shall be permitted to carry forward unspent general funds appropriated to the Rural Dentist program provided that these funds be expended for the program for which they were originally designated. A board is created to manage and allocate these funds to insure the location of licensed dentists in rural areas of South Carolina and on the faculty of the College of Dental Medicine at MUSC. The board will be composed of the following: the Dean, or his designee, of the MUSC College of Dental Medicine; three members from the South Carolina Dental Education Foundation Board who represent rural areas; and the President, or his designee, of the South Carolina Dental Association. The Director of DHEC's Office of Primary Care; the Director or his designee of the Department of Health and Human Services; and the Executive Director of the South Carolina Dental Association shall serve as ex officio members without vote. This board shall serve without compensation.

1 **23.2.** (MUSC: Rural Access Plan) The MUSC Hospital Authority, in conjunction with the Department of Health and Human
2 Services, shall study how to partner with existing rural hospitals to ensure that these regions maintain access to medical care.

3 **23.3.** (MUSC: Procurement Efficiency Study) The Medical University of South Carolina (MUSC), the Medical University
4 Hospital Authority (MUHA), and Procurement Services of the State Fiscal Accountability Authority are directed to work together
5 to study and make recommendations regarding the opportunity, if any, to create efficiencies, cost savings, and/or economies of
6 scale by combining some or all of any similar operations and/or procurements of the MUSC and MUHA. Findings and
7 recommendations must be submitted to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and
8 Means Committee by October 1, 2017.

9
10 **SECTION 25 - H590 - STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION**
11

12 **25.1.** (TEC: Training of New & Expanding Industry) (A) Notwithstanding the amounts appropriated in this section for
13 readySC it is the intent of the General Assembly that the State Board for Technical and Comprehensive Education expend the
14 funds necessary to provide direct training for new and expanding business or industry.

15 (B) In the event projected expenditures are above the appropriation, the appropriation in this section for readySC may be
16 appropriately adjusted, if and only if, the Executive Budget Office determines that the projected expenditures are directly related
17 to:

18 (1) an existing technology training program where the demand for the program exceeds the program's capacity and the
19 additional funds are to be utilized to meet the demand; or

20 (2) a new program is necessary to provide direct training for new or expanding business or industry.

21 (C) The adjustment may occur only upon approval by the Executive Budget Office. Upon the Executive Budget Office's
22 approval of the adjustment, the Director of the Executive Budget Office must certify, in writing, that the adjustment is directly
23 related to either subsection (B)(1) or (B)(2). The Director must immediately provide a copy of the written certification, including
24 the amount of the adjustment, to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the
25 Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee.

26 (D) Upon the Director's written certification approving an adjustment, the State Board for Technical and Comprehensive
27 Education must submit a statement to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the
28 Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee containing a detailed
29 itemization of the manner in which funds initially appropriated for technology training were utilized, the specific purpose for the
30 adjustment, and the ultimate recipient of the adjusted amount.

31 (E) The aggregate amount of all adjustments made pursuant to this section may not exceed ten million dollars.

32 (F) In the event that projected expenditures for readySC exceed the amounts appropriated and the amount of any adjustments
33 authorized, the State Board for Technical and Comprehensive Education may request a supplemental appropriation from the
34 General Assembly.

1 **25.2.** (TEC: Training of New & Expanding Industry Carry Forward) In addition to the funds appropriated in this section, any
2 of the funds appropriated under this section for the prior fiscal year which are not expended during that fiscal year may be carried
3 forward and expended for direct training of new and expanding industry in the current fiscal year.

4 **25.3.** (TEC: Training of New & Expanding Industry - Payments of Prior Year Expenditures) The State Board for Technical
5 and Comprehensive Education may reimburse business and industry for prior year training costs billed to the agency after fiscal
6 year closing with the concurrence of the Comptroller General.

7 **25.4.** (TEC: MSSC) The funds appropriated to the State Board for Technical and Comprehensive Education for the
8 Manufacturing Skills Standards Council Initiative may not be used for consulting associated with the Initiative.

9 **25.5.** (TEC: Critical Statewide Workforce Needs) Of the funds appropriated in this act to the State Board for Technical and
10 Comprehensive Education for E&G STEM Programs: Critical Needs Workforce Development Initiative, the State Board must
11 allocate the funds between the colleges based on a methodology designed to best meet the state's workforce needs and demands.
12 This methodology should be created by the State Board in consultation with the Department of Commerce and the Department of
13 Employment and Workforce and should identify the areas with the most critical need. For this purpose, critical need shall be
14 defined as unmet employment demand in areas or fields of Science, Technology, Engineering, Mathematics, and Manufacturing.
15 Funds must be used by the college for STEM programs.

16 **25.6.** (TEC: Aeronautics Training Center) Funds appropriated for the S.C. Aeronautics Training Center may be carried
17 forward from the prior fiscal year into the current fiscal year and utilized for the same purpose.

18 **25.7.** (TEC: Workforce Pathways Funding Distribution) Of the funds appropriated to the State Board for Technical and
19 Comprehensive Education (board) for the Workforce Pathways Program, the board must first distribute \$740,000 to Tri-County
20 Technical College and \$602,000 to Central Carolina Technical College in order for each school to maintain operations of the
21 existing Workforce Pathways programs established pursuant to Act 286 of 2014. Of the remaining funds after accounting for the
22 allocations noted above, the board shall separately distribute \$350,000 to Orangeburg-Calhoun Technical College for expansion of
23 its professional truck driving certificate program for the express purpose of increasing the number of professional truck drivers in
24 the State.

25 Any remaining funds shall be set aside in a separate and distinct account until a formula for distribution is developed by the State
26 Board. The formula shall specify criteria for the Workforce Pathways program that each technical school must adhere to in order
27 to receive their respective share of the set aside funding. At a minimum, each Workforce Pathways program must expand current
28 best practices in technical career pathways for youth and unemployed or underemployed adults leading to immediate employment
29 in high skill, high demand jobs with emphasis in STEM fields. The program shall utilize all credit and non-credit delivery systems
30 within the technical college, include cohort training options for adults, provide dual credit for youth via college courses taught by
31 college faculty, provide opportunities for prior learning credit for adults, include structured work-based learning or other
32 apprenticeship training approaches, and result in industry-recognized work certifications as well as stackable postsecondary
33 credentials. Workforce Pathways programs shall establish or build on existing collaborative design and coordination efforts with
34 area school districts and career centers and with area employers. All technical colleges receiving funding through the Workforce
35 Pathways must provide comprehensive evaluation and reporting mechanisms that include long-range tracking of individual and
36 economic impacts as well as return-on-investment analyses.

1 The State Board shall report the formula for distribution and required criteria to the Chairman of the Senate Finance Committee
2 and the Chairman of the House Ways and Means Committee by August 31, ~~2017~~ 2018.

3 **25.8.** (TEC: Northeastern Technical College) Unexpended funds appropriated to the State Board for Technical and
4 Comprehensive Education for Northeastern Technical College - Industrial Training Center in Act 93 of 2015, Section 1, item
5 number 19, shall be eligible for expenditure in the current fiscal year for an alternate facility and/or location provided that the
6 facility's use and purpose is similar and is demonstrably more cost effective than originally conceived.

7
8 **SECTION 26 - H790 - DEPARTMENT OF ARCHIVES AND HISTORY**
9

10 **26.1.** (AH: Use of Proceeds) The proceeds of facilities rentals, gift shop operations, training sessions, sales of publications,
11 reproductions of documents, repair of documents, research fees, handling charges, and the proceeds of sales of National Register of
12 Historic Places certificates and plaques by the Archives Department shall be deposited in a special account in the State Treasury,
13 and may be used by this department to cover the cost of facility operations and maintenance, gift shop inventory, additional
14 training sessions, publication, reproduction expenses, repair expenses, and National Register of Historic Places certificates and
15 plaques, and selected Historic Preservation Grants.

16 **26.2.** (AH: Disposal of Materials) For the current fiscal year, the Department of Archives and History, upon prior approval of
17 the commission, may sell from its collections certain record and non-record materials, which are not eligible for public auction, in a
18 manner most advantageous to the department.
19

20 **SECTION 27 - H870 - STATE LIBRARY**
21

22 **27.1.** (LIB: Aid to Counties Libraries Allotment) The amount appropriated in this section for "Aid to County Libraries" shall be
23 allotted to each county on a per capita basis according to the official United States Census For 2010, as aid to the County Library. No
24 county shall be allocated less than \$75,000 under this provision. To receive this aid, local library support shall not be less than the
25 amount actually expended for library operations from local sources in the second preceding year.

26 **27.2.** (LIB: Information Service Fees) The State Library may charge a fee for costs associated with information delivery and
27 retain such funds to offset the costs of maintaining, promoting and improving information delivery services.

28 **27.3.** (LIB: Continuing Education Fees) The State Library may charge a fee for costs associated with continuing education and
29 retain such funds to offset the costs of providing continuing education opportunities.

30 **27.4.** (LIB: Books and Materials Disposal) The State Library may sell or otherwise dispose of books and other library
31 materials that are deemed by the State Library as no longer of value to the State of South
32 Carolina and the State Library's collection. Funds received from the sale of books and materials shall be retained and expended to
33 purchase new materials for the collection. Unexpended funds may be carried forward from the prior fiscal year into the current
34 fiscal year and be used for the same purpose.

35 **27.5.** (LIB: SCLENDS) The State Library may accept money for the South Carolina Library Evergreen Network Delivery
36 System (SCLENDS), a consortium providing patrons access to more library materials. The consortium shall allow South Carolina

1 libraries the ability to share resources and provide a forum for sharing expertise in technical areas such as systems administration
2 and cataloging. Funds received by the State Library for SCLENDS shall be placed in a special account and shall only be utilized to
3 pay for items related to SCLENDS. Unexpended funds may be carried forward from the prior fiscal year into the current fiscal
4 year and be used for the same purpose.

5 **27.6.** (LIB: Donations) The State Library may accept donation funds to be used for administration, operation, and programs
6 from any donor source. Unexpended funds shall be carried forward from the prior fiscal year into the current fiscal year.

7 **27.7.** (LIB: Sale of Promotional Items) The State Library shall be allowed to sell promotional items with the South Carolina
8 State Library brand and logo for the purpose of generating funds for the State Library. Unexpended funds shall be carried forward
9 from the prior fiscal year into the current fiscal year.

10 **27.8.** (LIB: Consortium Purchasing) The State Library shall be authorized to accept funds to be used for consortium
11 purchasing between libraries (public, academic, special) that serve South Carolina residents. Funds received by the State Library
12 for consortium purchasing agreements shall be placed in a designated account and shall only be used to pay for items related to
13 specific consortium purchasing agreements. These funds may be retained, expended, and carried forward from the prior fiscal year
14 into the current fiscal year and used for the same purpose.

15 16 **SECTION 28 - H910 - ARTS COMMISSION**

17
18 **28.1.** (ARTS: Professional Artists Contract) Where practicable, all professional artists employed by the Arts Commission in
19 the fields of music, theater, dance, literature, musical arts, craft, media arts and environmental arts shall be hired on a contractual
20 basis as independent contractors. Where such a contractual arrangement is not feasible employees in these fields may be
21 unclassified, however, the approval of their salaries shall be in accord with the provisions of Section 8-11-35 of the 1976 Code.

22 **28.2.** (ARTS: Special Revolving Account) Any income derived from Arts Commission sponsored arts events or by gift,
23 contributions, or bequest now in possession of the Arts Commission including any federal or other funds balance remaining at the
24 end of the prior fiscal year, shall be retained by the commission and placed in a special revolving account for the commission to
25 use solely for the purpose of supporting the programs provided herein. Any such funds shall be subject to the review procedures as
26 set forth in Act 651 of 1978.

27 **28.3.** (ARTS: Partial Indirect Cost Waiver) The commission is allowed to apply a fifteen percent indirect cost rate for
28 continuing federal grants for which they must compete. The commission shall apply the full approved negotiated rate to the Basic
29 State Grant and any new grants received by the commission.

30 **28.4.** (ARTS: Grants) The Arts Commission must expend seventy percent of appropriated state funds on grants to support the
31 statewide improvement of learning and enrichment opportunities for children and communities through educational and cultural
32 programs with proven research based strategies.

33 **28.5.** (ARTS: Distribution to Subdivisions) No later than December first of the current fiscal year, the Arts Commission must
34 report to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee the amount
35 of aid/allocations distributed to subdivisions during the most recently completed fiscal year, detailed by specific subdivisions.

SECTION 29 - H950 - STATE MUSEUM COMMISSION

29.1. (MUSM: Removal From Collections) The commission may remove accessioned objects from its museum collections by gift to another public or nonprofit institution, by trade with another public or nonprofit institution, by public sale, by transfer to the commission's education, exhibit, or study collections or to its operating property inventory; or as a last resort, by intentional destruction on the condition that the objects so removed meet with one or more of the following criteria: (1) they fall outside the scope of the South Carolina Museum Commission's collections as defined in the Collection Policy; (2) they are unsuitable for exhibition or research; (3) they are inferior duplicates of other objects in the collection; or (4) they are forgeries or were acquired on the basis of false information; funds from the sale of such objects will be placed in a special revolving account for the commission to use solely for the purpose of purchasing objects for the collections of the State Museum.

29.2. (MUSM: Museum Store) The Museum Commission shall establish and administer a museum store in the State Museum. This store may produce, acquire, and sell merchandise relating to historical, scientific, and cultural sources. All profits received from the sale of such merchandise shall be retained by the Museum Commission in a restricted fund to be carried forward into the following fiscal year. These funds may be used for store operations, publications, acquisitions, educational programs, exhibit production and general operating expenses provided that the expenditures for such expenses are approved by the General Assembly in the annual Appropriation Act.

29.3. (MUSM: Retention of Revenue) The Museum Commission may retain revenue received from admissions, program fees, facility rentals, professional services, donations, food service, exhibits and exhibit components, and other miscellaneous operating income generated by or for the museum and may expend such revenue for general operating expenses provided that such expenditures are approved by the General Assembly in the annual Appropriation Act. Any unexpended revenue from these sources may be carried forward into the current fiscal year to be expended for the same purposes.

29.4. (MUSM: School Tour Fee Prohibition) The commission may not charge admission fees to groups of children from South Carolina who have made reservations that are touring the museum as part of a school function.

29.5. (MUSM: Dining Area Rent) Of the space currently vacant in the Columbia Mills Building, space large enough for the museum to have dining space for school-aged children shall be provided to the State Museum at no cost.

29.6. (MUSM: Remittance to General Services) The State Museum is directed to remit not less than \$1,800,000 to the Department of Administration as compensation for expenses associated with the premises it leases in the Columbia Mills Building. In the event the General Assembly or the Executive Budget Office implements a mid-year across-the-board budget reduction, the rent that the State Museum remits to the Department of Administration shall be reduced by the same percentage as the assessed budget reduction.

SECTION 30 - H960 - CONFEDERATE RELIC ROOM AND MILITARY MUSEUM COMMISSION

30.1. (CRR: Southern Maritime Collection) The Confederate Relic Room and Military Museum Commission, on behalf of the Hunley Commission is authorized to expend funds appropriated for such purpose to pay the outstanding note entered into to finance the purchase of the Southern Maritime Collection and the Hunley Commission will assume custody and management of the

Collection for the State. The commission is authorized to use up to \$500,000 of the funds transferred for implementation of this proviso. The balance of the funds transferred may be used by the commission for costs associated with other Museum operations. The General Assembly will provide for funds in future fiscal years to cover the costs of the financing of the Southern Maritime Collection.

SECTION 32 - H730 - DEPARTMENT OF VOCATIONAL REHABILITATION

32.1. (VR: Production Contracts Revenue) All revenues derived from production contracts earned by people with disabilities receiving job readiness training at the agency's Work Training Centers may be retained by the State Agency of Vocational Rehabilitation and used in the facilities for Client Wages and any other production costs; and further, any excess funds derived from these production contracts may be used for other operating expenses and/or permanent improvements of these facilities.

32.2. (VR: Reallotment Funds) To maximize utilization of federal funding and prevent the loss of such funding to other states in the Basic Service Program, the State Agency of Vocational Rehabilitation be allowed to budget reallotment and other funds received in excess of original projections in following State fiscal years.

32.3. (VR: User/Service Fees) Any revenues generated from user fees or service fees charged to the general public or other parties ineligible for the department's services may be retained to offset costs associated with the related activities so as to not affect the level of service for regular agency clients.

32.4. (VR: Meal Ticket Revenue) All revenues generated from sale of meal tickets may be retained by the agency and expended for supplies to operate the agency's food service programs or cafeteria.

32.5. (VR: Basic Services Program - Educational Scholarships) For those persons with disabilities who are eligible for and are receiving services under an approved plan of the South Carolina Vocational Rehabilitation Department (consistent with the 1973 Rehabilitation Act, as amended) tuition costs at state supported institutions (four year, technical, or trade schools) will not increase beyond the 1998 tuition rate, will be provided, or will be waived by the respective institution after the utilization of any other federal or state student aid for which the student is eligible. Persons eligible for this tuition reduction or sponsorship must meet all academic requirements of the particular institution and be eligible for State need-based scholarships as defined in Chapter 142, Title 59, Code of Laws of South Carolina, 1976.

32.6. *(VR: Deferred Maintenance, Capital Projects, Ordinary Repair and Maintenance) The Department of Vocational Rehabilitation is authorized to establish an interest bearing fund with the State Treasurer to deposit funds for deferred maintenance and other one-time funds from any source. After receiving any required approvals, the department is authorized to expend these funds for the purpose of deferred maintenance, capital projects, and ordinary repair and maintenance. These funds may be carried forward from the prior fiscal year into the current fiscal year to be used for the same purpose.*

SECTION 33 - J020 - DEPARTMENT OF HEALTH AND HUMAN SERVICES

33.1. (DHHS: Recoupment/Restricted Fund) The Department of Health and Human Services shall recoup all refunds and identified program overpayments and all such overpayments shall be recouped in accordance with established collection policy.

1 Further, the Department of Health and Human Services is authorized to maintain a restricted fund, on deposit with the State
2 Treasurer, to be used to pay for liabilities and improvements related to enhancing accountability for future audits. The restricted
3 fund will derive from prior year program refunds. The restricted fund shall not exceed one percent of the total appropriation
4 authorization for the current year. Amounts in excess of one percent will be remitted to the general fund.

5 **33.2.** (DHHS: Long Term Care Facility Reimbursement Rate) The department, in calculating a reimbursement rate for long
6 term care facility providers, shall obtain for each contract period an inflation factor, developed by the Revenue and Fiscal Affairs
7 Office. Data obtained from Medicaid cost reporting records applicable to long term care providers will be supplied to the Revenue
8 and Fiscal Affairs Office. A composite index, developed by the Revenue and Fiscal Affairs Office will be used to reflect the
9 respective costs of the components of the Medicaid program expenditures in computing the maximum inflation factor to be used in
10 long term care contractual arrangements involving reimbursement of providers. The Revenue and Fiscal Affairs Office shall
11 update the composite index so as to have the index available for each contract renewal.

12 The department may apply the inflation factor in calculating the reimbursement rate for the new contract period from zero
13 percent up to the inflation factor developed by the Revenue and Fiscal Affairs Office.

14 **33.3.** (DHHS: Medical Assistance Audit Program Remittance) The Department of Health and Human Services shall remit to
15 the State Auditor's Office an amount representing fifty percent (allowable Federal Financial Participation) of the cost of the
16 Medical Assistance Audit Program as established in the State Auditor's Office of the State Fiscal Accountability Authority,
17 Section 105. Such amount shall also include appropriated salary adjustments and employer contributions allocable to the Medical
18 Assistance Audit Program. Such remittance to the State Auditor's Office shall be made monthly and based on invoices as provided
19 by the State Auditor's Office of the State Fiscal Accountability Authority.

20 **33.4.** (DHHS: Third Party Liability Collection) The Department of Health and Human Services is allowed to fund the net
21 costs of any Third Party Liability and Drug Rebate collection efforts from the monies collected in that effort.

22 **33.5.** (DHHS: Medicaid State Plan) Where the Medicaid State Plan has been altered to cover services that previously were
23 provided by one hundred percent state funds, or that have been requested to be added by other state agencies, the department can
24 bill other agencies for the state share of services provided through Medicaid. In order to comply with Federal regulations regarding
25 allowable sources of matching funds, state agencies are authorized to make appropriation transfers to the Department of Health and
26 Human Services to be used as the state share when certified public expenditures are not allowed for those state agency Medicaid
27 services. The department will keep a record of all services affected and submit periodic reports to the Senate Finance and House
28 Ways and Means Committees.

29 **33.6.** (DHHS: Medically Indigent Assistance Fund) The department is authorized to expend disproportionate share funds to all
30 eligible hospitals with the condition that all audit exceptions through the receipt and expenditures of these funds are the liability of
31 the hospital receiving the funds.

32 **33.7.** (DHHS: Registration Fees) The department is authorized to receive and expend registration fees for educational,
33 training, and certification programs.

34 **33.8.** (DHHS: Fraud and Abuse Collections) The Department of Health and Human Services may offset the administrative
35 costs associated with controlling fraud and abuse.

1 **33.9.** (DHHS: Medicaid Eligibility Transfer) The South Carolina Department of Health and Human Services (DHHS) is
2 hereby authorized to determine the eligibility of applicants for the South Carolina Medicaid Program in accordance with the State
3 Plan Under Title XIX of The Social Security Act Medical Assistance Program. The governing authority of each county shall
4 provide office space and facility service for this function as they do for DSS functions under Section 43-3-65.

5 With funds available to the department and by November first, the Director of the Department of Health and Human Services
6 shall provide the governing authority and the legislative delegation of each county with information on the condition of space
7 furnished for this purpose and shall specifically identify any known deficiencies with respect to the accessibility requirements of
8 the Americans with Disabilities Act (ADA). By May first, the governing authority of any county with an identified ADA-related
9 deficiency shall report to its legislative delegation and the Director of the Department of Health and Human Services on its
10 progress in correcting such deficiency.

11 **33.10.** (DHHS: Franchise Fees Suspension) Franchise fees imposed on nursing home beds and enacted by the General
12 Assembly during the 2002 session are suspended.

13 **33.11.** (DHHS: Program Integrity Efforts) The Department of Health and Human Services is instructed to expand its program
14 integrity efforts by utilizing resources both within and external to the agency including, but not limited to, the ability to contract
15 with other entities for the purpose of maximizing the department's ability to detect and eliminate provider fraud.

16 **33.12.** (DHHS: Post Payment Review) The department is directed to perform post payment reviews as permitted under
17 Medicaid regulations to ensure compliance with the Hyde Amendment provisions as it relates to the performance of medically
18 necessary services under the Medicaid program. The results of such reviews shall be available to the General Assembly upon
19 request in a format that meets the requirements of the Health Insurance Accountability and Portability Act (HIPAA) and Medicaid
20 confidentiality regulations.

21 **33.13.** (DHHS: Long Term Care Facility Reimbursement Rates) The department shall direct staff to complete and submit its
22 Medicaid State Plan Amendment for long term care facility reimbursement rates to the Director of the Department of Health and
23 Human Services by August first of each year. The director shall review the plan and submit to the Federal Government on or
24 before August fifteenth of each year provided the State Appropriations Act has been enacted by that date. All additional requests
25 for information from CMS concerning the plan shall be promptly submitted to CMS by the Department of Health and Human
26 Services.

27 **33.14.** (DHHS: Nursing Services to High Risk/High Tech Children) The Department of Health and Human Services shall
28 continue a separate classification and compensation plan for Registered Nurses (RN) and Licensed Practical Nurses (LPN) who
29 provide services to Medically Fragile Children, who are Ventilator dependent, Respirator dependent, Intubated, and Parenteral
30 feeding or any combination of the above. The classification plan shall recognize the skill level that these nurses caring for these
31 Medically Fragile Children must have over and above normal home-care or school-based nurses.

32 **33.15.** (DHHS: CHIP Enrollment and Recertification) The Department of Health and Human Services shall enroll and recertify
33 eligible children to the Children's Health Insurance Program (CHIP) and must use available state agency program data including,
34 but not limited to, that housed in the Revenue and Fiscal Affairs Office, to include the Department of Social Services'
35 Supplemental Nutritional Assistance Program (SNAP) and the department may use the poverty-related information from the

1 Department of Education. Use of this data and cooperative efforts between state agencies reduces the cost of outreach and
2 maintenance of eligibility for CHIP.

3 **33.16.** (DHHS: Carry Forward) The Department of Health and Human Services is authorized to carry forward and expend any
4 General Fund balance and any cash balances from the prior fiscal year into the current fiscal year for any earmarked or restricted
5 trust and agency, or special revenue account or subfund. The department shall submit a comprehensive reporting of all cash
6 balances brought forward from the prior fiscal year. The report shall, at a minimum, for each account or subfund include the
7 following: the statutory authority that allows the funds to be carried forward, the maximum authorized amount that can be carried
8 forward, the general purpose or need for the carry forward, the specific source(s) of funding or revenue that generated the carry
9 forward, and a detailed description of any pending obligations against the carry forward. The report must be submitted to the
10 President Pro Tempore of the Senate, Chairman of the Senate Finance Committee, Speaker of the House of Representatives, and
11 Chairman of the House Ways and Means Committee, within fifteen days after the Comptroller General closes the fiscal year.

12 **33.17.** (DHHS: Medicaid Provider Fraud) The department shall expand and increase its effort to identify, report, and combat
13 Medicaid provider fraud. The department shall publish on its' agency homepage by April first, of the current fiscal year, the
14 results of these efforts, the funds recovered, and information pertaining to prosecutions of such cases, including pleas agreements
15 entered into.

16 **33.18.** (DHHS: GAPS) The requirements of Article 5, Chapter 6, Title 44 shall be suspended for the current state fiscal year.

17 **33.19.** (DHHS: Contract Authority) The Department of Health and Human Services is authorized to contract with
18 community-based not-for-profit organizations for local projects that further the objectives of department programs. The
19 department shall develop policies and procedures and may promulgate regulations to assure compliance with state and federal
20 requirements associated with the funds used for the contracts and to assure fairness and accountability in the award and
21 administration of these contracts. The department may require a match from contract recipients. The department shall report to the
22 Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committees on the contracts
23 administered.

24 **33.20.** (DHHS: Medicaid Accountability and Quality Improvement Initiative) From the funds appropriated and authorized to
25 the Department of Health and Human Services, the department is authorized to implement the following accountability and quality
26 improvement initiatives:

27 (A) Healthy Outcomes Initiative - The Department of Health and Human Services may tie Disproportionate Share Hospital
28 (DSH) payments to participation in the Healthy Outcomes Initiative and may expand the program as DSH funding is available.

29 (B) To improve community health, the department may explore various health outreach, education, patient wellness and
30 incentive programs. The department may pilot health interventions targeting diabetes, smoking cessation, weight management,
31 heart disease, and other health conditions. These programs may be expanded as their potential to improve health and lower costs
32 are identified by the department.

33 (C) Rural Hospital DSH Payment - Medicaid-designated rural hospitals in South Carolina may be eligible to receive up to
34 one hundred percent of costs associated with uncompensated care as part of the DSH program. Funds shall be allocated from the
35 existing DSH program. To be eligible, rural hospitals must participate in reporting and quality guidelines published by the
36 department and outlined in the Healthy Outcomes Initiative. In addition to the requirements placed upon them by the department,

1 rural hospitals must actively participate with the department and any other stakeholder identified by the department, in efforts to
2 design an alternative health care delivery system in these regions.

3 (D) Primary Care Safety Net - The department shall implement a methodology to reimburse safety net providers participating
4 in a hospital Healthy Outcomes Initiative program to provide primary care, behavioral health services, and pharmacy services for
5 chronically ill individuals that do not have access to affordable insurance. Qualifying safety net providers are approved, licensed,
6 and duly organized Federally Qualified Health Centers (FQHCs and other entities receiving funding under Section 330 of the
7 Public Health Services Act), Rural Health Clinics (RHCs), local alcohol and drug abuse authorities established by Act 301 of 1973,
8 Free Clinics, other clinics serving the uninsured, and Welvista. The department shall formulate a methodology and allocate
9 ~~\$3,600,000~~ \$3,200,000 for innovative care strategies for qualifying safety net providers. The department shall formulate a separate
10 methodology and allocate ~~\$5,000,000~~ \$4,400,000 of funding to FQHCs, at least ~~\$1,500,000~~ \$1,400,000 of funding for Free Clinics,
11 and ~~\$1,500,000~~ \$1,400,000 of funding for local alcohol and drug abuse authorities created under Act 301 of 1973. The department
12 may continue to develop and implement a process for obtaining encounter-level data that may be used to assess the cost and impact
13 of services provided through this proviso. Any newly established Community Health Center/FQHC shall receive an amount
14 equivalent to the average disbursement made to all centers/FQHCs.

15 (E) The department shall allocate funds to be used for obesity education for patients, reimbursement payments for providers,
16 and continuing education for all providers through partnerships with the Department.

17 (F) To be eligible for funds in this proviso, providers must provide the department with patient, service and financial data to
18 assist in the operation and ongoing evaluation of both the initiatives resulting from this proviso, and other price, quality,
19 transparency and DSH accountability efforts currently underway or initiated by the department. The Revenue and Fiscal Affairs
20 Office shall provide the department with any information required by the department in order to implement this proviso in
21 accordance with state law and regulations.

22 (G) The department may pilot a behavioral health intervention program for wrap-around care to vulnerable mental health
23 patients who frequent the emergency room in hotspots and underserved areas within the state. The pilot program must provide
24 reports detailing progress on the target population and health outcomes achieved. These programs may be expanded as their
25 potential to improve health and lower costs are identified by the department.

26 (H) The department shall provide funding not to exceed \$1,500,000 to establish a pilot program to expand
27 medication-assisted treatment (MAT) services for prescription opioid dependency and addiction, including such medical and
28 behavioral health services necessary to support MAT interventions. The department shall consider evidence-based interventions,
29 recommendations made in the December 2014 State Plan to Prevent and Treat Prescription Drug Abuse, and scalability in the
30 design of the pilot program. In consultation with the Department of Alcohol and Drug Abuse Services and the MUSC Hospital
31 Authority, the department may contract with such providers that are necessary to ensure impact in a geographical area of critical
32 need.

33 (I) The department shall publish quarterly reports on the agency's website regarding the department's progress in meeting
34 the goals established by this provision.

35 **33.21.** (DHHS: Medicaid Healthcare Initiatives Outcomes) Prior to February fifteenth of the current fiscal year, the Director of
36 the Department of Health and Human Services shall make a presentation to the House Ways and Means Healthcare Budget

1 Subcommittee on the outcomes of Medicaid healthcare initiatives enacted during the current fiscal year to improve the well-being
2 of persons enrolled in the Medicaid program and receiving services from Medicaid providers.

3 **33.22.** (DHHS: Rural Health Initiative) From the funds appropriated to the Department of Health and Human Services for the
4 Rural Health Initiative, the department shall partner with the following state agencies, institutions, and other key stakeholders to
5 implement these components of a Rural Health Initiative to better meet the needs of medically underserved communities
6 throughout the state. The department may leverage any and all available federal funds to implement this initiative. Recurring and
7 non-recurring funding for the Rural Health Initiative may be carried forward by the department and expended for the same
8 purpose.

9 (A) The Department of Health and Human Services shall incentivize the development of primary care access in rural and
10 underserved areas, leverage Medicaid spending on Graduate Medical Education (GME) by implementing methodologies that
11 support recommendations contained in the January 2014 report of the South Carolina GME Advisory Group, and continue to
12 leverage the use of teaching hospitals to ensure rural physician coverage in counties with a demonstrated lack of adequate access
13 and coverage through the following provisions:

14 (1) Rural and Underserved Area Provider Capacity - the department shall partner with the University of South Carolina
15 School of Medicine to develop a statewide Rural Health Initiative to identify strategies for significantly improving health care
16 access, supporting physicians, and reducing health inequities in rural communities. In addition, the department shall also contract
17 with the MUSC Hospital Authority in the amount of \$1,000,000, and the USC School of Medicine in the amount of \$2,000,000 to
18 further develop statewide teaching partnerships.

19 (2) Rural Healthcare Coverage and Education - The USC School of Medicine, in consultation with the South Carolina
20 Office of Rural Health, shall continue to operate a Center of Excellence to support and develop rural medical education and
21 delivery infrastructure with a statewide focus, through clinical practice, training, and research, as well as collaboration with other
22 state agencies and institutions. The center's activities must be centered on efforts to improve access to care and expand healthcare
23 provider capacity in rural communities. The department shall authorize at least \$1,000,000 to support center staffing as well as the
24 programs and collaborations delivering rural health research, the ICARED program, workforce development scholarships and
25 recruitment, rural fellowships, health education development, and/or rural practice support and education. Funding released by the
26 department pursuant to this section must not be used by the recipient(s) to supplant existing resources already used for the same or
27 comparable purposes. No later than February first of the current fiscal year, the USC School of Medicine shall report to the
28 Chairman of the House Ways and Means Committee, the Chairman of the Senate Finance Committee, and the Director of the
29 Department of Health and Human Services on the specific uses of funds budgeted and/or expended pursuant to this provision.

30 (3) Rural Medicine Workforce Development - The department, in consultation with the Medical Education Advisory
31 Committee (MEAC), shall support the development of additional residency and/or fellowship slots or programs in rural medicine,
32 family medicine, and any other appropriate primary care specialties that have been identified by the department as not being
33 adequately served by existing Graduate Medical Education programs. The department shall ensure that each in-state member of
34 the Association of American Medical Colleges is afforded the opportunity to participate in MEAC. New training sites and/or
35 residency positions are subject to approval as specified by the Accreditation Council for Graduate Medical Education (ACGME).
36 The department may also accept proposals and award grants for programs designed to expose resident physicians to rural practice

1 and enhance the opportunity to recruit these residents for long-term practice in these rural and/or underserved communities. Up to
2 \$500,000 of the recurring funds appropriated to the department for the Rural Health Initiative may be used for this purpose.

3 (4) Statewide Health Innovations - At least \$2,000,000 must be expended by the department to contract with the USC
4 School of Medicine and at least \$1,000,000 to the MUSC Hospital Authority to develop and continue innovative healthcare
5 delivery and training opportunities through collaborative community engagement via ICARED and other innovative programs that
6 provide clinical services, mental and behavioral health services, children's health, OB/GYN services, and/or chronic disease
7 coverage gaps. In consultation with the Office of Rural Health, the department must ensure collaborative efforts with the greatest
8 potential for impact are prioritized.

9 (B) The department shall continue to investigate the potential use of DSH and/or any other allowable and appropriate source
10 of funds in order to improve access to emergency medical services in one or more communities identified by the department in
11 which such access has been degraded due to a hospital's closure during the past five years. In the current fiscal year, the
12 department is authorized to establish a DSH pool, or carry forward DSH capacity from a previous period as federally permissible,
13 for this purpose and/or if deemed necessary to implement transformation plans for which conforming applications were filed with
14 the department pursuant to this or a previous hospital transformation or rural health initiative proviso, but for which additional
15 negotiations or development were required. An emergency department that is established within 35 miles of its sponsoring hospital
16 pursuant to this or a previous hospital transformation or rural health initiative proviso and which receives dedicated funding
17 pursuant to this proviso shall be exempt from any Department of Health and Environmental Control Certificate of Need
18 requirements or regulations. Any such facility shall participate in the South Carolina Telemedicine Network.

19 (C) The Revenue and Fiscal Affairs Office and the Area Health Education Consortium's Office of Healthcare Workforce
20 Analysis and Planning shall provide the department with any information required by the department in order to implement this
21 proviso in accordance with state law and regulations.

22 **33.23.** (DHHS: BabyNet Compliance) With the funds available to the department, the Department of Health and Human
23 Services shall report to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and
24 Means Committee no later than December 31, ~~2017~~ 2018 on the status of the department's efforts to bring the BabyNet program
25 into compliance with federal requirements. This report must specifically address areas in which the BabyNet program has received
26 low performance scores and include any relevant correspondence from the U.S. Department of Education. The report must explain
27 the department's plan for bringing BabyNet into compliance, including specific steps and the associated timeline.

28 ***33.24.** (DHHS: Personal Emergency Response System) *With funds appropriated and authorized to the Department of*
29 *Health and Human Services for Fiscal Year 2017-18, the department shall develop one or more Requests for Proposals, to*
30 *provide for Personal Emergency Response Systems (PERS) to be issued to Medicaid recipients pursuant to the department's*
31 *Medicaid Home and Community-based waiver. The PERS devices must include in addition to emergency response services,*
32 *unlimited twenty-four hour, seven-day a week live phone contact with experienced registered nurses for triage services. A*
33 *PERS nurse triage call center must be accredited and must be separate from the PERS emergency response call center. The*
34 *PERS device must have a wireless radio transmitter and a console that is cellular and does not require a traditional land line.*
35 *A PERS device that includes nurse triage services also must comply with the requirements of Federal Communications*
36 *Commission rules, 47 C.F.R. Part 68; and be approved by the Underwriters Laboratory or Equipment Testing Laboratories as a*

1 *health care signaling product. The Department of Health and Human Services shall apply for any waiver necessary under the*
2 *department's Medicaid Home and Community-based waiver to implement these provisions.*
3

4 **SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**
5

6 **34.1.** (DHEC: County Health Departments Funding) Out of the appropriation provided in this section for "Access to Care",
7 the sum of \$25,000 shall be distributed to the county health departments by the commissioner, with the approval of the Board of
8 Department of Health and Environmental Control, for the following purposes:

- 9 (1) To insure the provision of a reasonably adequate public health program in each county.
10 (2) To provide funds to combat special health problems that may exist in certain counties.
11 (3) To establish and maintain demonstration projects in improved public health methods in one or more counties in the
12 promotion of better public health service throughout the State.
13 (4) To encourage and promote local participation in financial support of the county health departments.
14 (5) To meet emergency situations which may arise in local areas.
15 (6) To fit funds available to amounts budgeted when small differences occur.

16 The provisions of this proviso shall not supersede or suspend the provisions of Section 13-7-30 of the 1976 Code.

17 **34.2.** (DHEC: County Health Units) General funds made available to the Department of Health and Environmental Control for
18 the allocation to the counties of the State for operation of county health units be allotted on a basis approved by the Board of the
19 Department of Health and Environmental Control. The amount of general funds appropriated herein for Access to Care shall be
20 allocated on a basis such that no county budget shall receive less than the amount received in the prior fiscal year, except when
21 instructed by the Executive Budget Office or the General Assembly to reduce funds within the department by a certain percentage,
22 the department may unilaterally reduce the county health units up to the stipulated percentage.

23 **34.3.** (DHEC: Camp Burnt Gin) Private donations or contributions for the operation of Camp Burnt Gin shall be deposited in a
24 restricted account. These funds may be carried forward and shall be made available as needed to fund the operation of the camp.
25 Withdrawals from this restricted account must be in accordance with approved procedures.

26 **34.4.** (DHEC: Children's Rehabilitative Services) The Children's Rehabilitative Services shall be required to utilize any
27 available financial resources including insurance benefits and/or governmental assistance programs, to which the child may
28 otherwise be entitled in providing and/or arranging for medical care and related services to physically handicapped children
29 eligible for such services, as a prerequisite to the child receiving such services.

30 **34.5.** (DHEC: Cancer/Hemophilia) Notwithstanding any other provisions of this act, the funds appropriated herein for
31 prevention, detection and surveillance of cancer as well as providing for cancer treatment services, \$545,449 and the hemophilia
32 assistance program, \$1,186,928 shall not be transferred to other programs within the agency and when instructed by the Executive
33 Budget Office or the General Assembly to reduce funds within the department by a certain percentage, the department may not act
34 unilaterally to reduce the funds for any cancer treatment program and hemophilia assistance program provided for herein greater
35 than such stipulated percentage.

1 **34.6.** (DHEC: Local Health Departments) Counties of the state will be relieved of contribution requirements for salary, fringe
2 benefits and travel reimbursement to local health departments. The amount of \$5,430,697 is appropriated for county health
3 department salaries, fringe benefits and travel. These funds and other state funds appropriated for county health units may, based
4 upon need, be utilized in either salary or travel categories. Each county shall provide all other operating expenses of the local
5 health department in an amount at least equal to that appropriated for operations for each county in Fiscal Year 1981. In the event
6 any county makes uniform reductions in appropriations to all agencies or departments for maintenance and operations, exclusive of
7 salaries and fringe benefits, a like reduction shall be made in funds appropriated for the operating expenses of the local health
8 department.

9 **34.7.** (DHEC: Insurance Refunds) The Department of Health and Environmental Control is authorized to budget and expend
10 monies resulting from insurance refunds for prior year operations for case services in family health.

11 **34.8.** (DHEC: Emergency Medical Services) Funds appropriated herein for Emergency Medical Services, shall be allocated
12 for the purpose of improving and upgrading the EMS system throughout the state. The monies allocated to the Counties are for the
13 purpose of improving or upgrading the local EMS system through the licensed ambulance services, the monies allocated to the
14 EMS Regional Councils are for the administration of training programs and technical assistance to local EMS organizations and
15 county systems. All additional funds are to be allocated as follows: to the counties at the ratio of eighty-one percent of the
16 additional funds appropriated herein, to the EMS Regions at a ratio of twelve percent of the additional funds appropriated herein
17 and to the state EMS Office at the ratio of seven percent of the additional funds appropriated herein. The Department of Health
18 and Environmental Control shall develop criteria and guidelines and administer the system to make allocations to each region and
19 county within the state, based on demonstrated need and local match. Funds appropriated to Emergency Medical Services shall not
20 be transferred to other programs within the department's budget. Unexpended funds appropriated to the program may be carried
21 forward to succeeding fiscal years and expended for administrative and operational support and for temporary and contract
22 employees to assist with duties related to improving and upgrading the EMS system throughout the state, including training of
23 EMS personnel and administration of grants to local EMS providers. In addition, when instructed by the Executive Budget Office
24 or the General Assembly to reduce funds by a certain percentage, the department may not reduce the funds appropriated for EMS
25 Regional Councils or Aid to Counties greater than such stipulated percentage.

26 **34.9.** (DHEC: Rape Violence Prevention Contract) Of the amounts appropriated in Rape Violence Prevention, \$1,103,956
27 shall be used to support programmatic efforts of the state's rape crisis centers with distribution of these funds based on the
28 Standards and Outcomes for Rape Crisis Centers and each center's accomplishment of a preapproved annual action plan. For the
29 current fiscal year, the department shall not reduce these contracts below the current funding level.

30 **34.10.** (DHEC: Sickie Cell Blood Sample Analysis) \$16,000 is appropriated in Independent Living for the Sickie Cell Program
31 for Blood Sample Analysis and shall be used by the department to analyze blood samples submitted by the four existing regional
32 programs - Region I, Barksdale Sickie Cell Anemia Foundation in Spartanburg; Region II, Clark Sickie Cell Anemia Foundation in
33 Columbia; Region III, Committee on Better Racial Assurance Hemoglobinopathy Program in Charleston; and the Orangeburg Area
34 Sickie Cell Anemia Foundation.

35 **34.11.** (DHEC: Sickie Cell Programs) \$761,233 is appropriated for Sickie Cell program services and shall be apportioned as
36 follows:

1 (1) sixty-seven percent is to be divided equitably between the existing Community Based Sickie Cell Programs located in
2 Spartanburg, Columbia, Orangeburg, and Charleston; and

3 (2) thirty-three percent is for the Community Based Sickie Cell Program at DHEC.

4 The funds shall be used for providing prevention programs, educational programs, testing, counseling and newborn screening.
5 The existing Community Based Sickie Cell Programs will provide counseling for families of newborns who test positive for sickle
6 cell trait or other similar blood traits upon referral from DHEC. The balance of the total appropriation must be used for Sickie Cell
7 Services operated by the Independent Living program of DHEC. The funds appropriated to the community based sickle cell
8 centers shall be reduced to reflect any percent reduction assigned to the Department of Health and Environmental Control by the
9 Executive Budget Office; provided, however, that the department may not act unilaterally to reduce the funds for the Sickie Cell
10 program greater than such stipulated percentage. The department shall not be required to undertake any treatment, medical
11 management or health care follow-up for any person with sickle cell disease identified through any neonatal testing program,
12 beyond the level of services supported by funds now or subsequently appropriated for such services. No funds appropriated for
13 ongoing or newly established sickle cell services may be diverted to other budget categories within the DHEC budget. For the
14 current fiscal year, the department shall not reduce these funds below the current funding level.

15 **34.12.** (DHEC: Genetic Services) The sum of \$104,086 appearing under the Independent Living program of this act shall be
16 appropriated to and administered by the Department of Health and Environmental Control for the purpose of providing appropriate
17 genetic services to medically needy and underserved persons. Such funds shall be used by the department to administer the
18 program and to contract with appropriate providers of genetic services. Such services will include genetic screening, laboratory
19 testing, counseling, and other services as may be deemed beneficial by the department, and these funds shall be divided equally
20 among the three Regional Genetic Centers of South Carolina, composed of units from the Medical University of South Carolina,
21 the University of South Carolina School of Medicine, and the Greenwood Genetic Center.

22 **34.13.** (DHEC: Revenue Carry Forward Authorization) The Department of Health and Environmental Control is hereby
23 authorized to collect, expend, and carry forward revenues in the following programs: Sale of Goods (confiscated goods, arm
24 patches, etc.), sale of meals at Camp Burnt Gin, sale of publications, brochures, Spoil Easement Areas revenue, performance bond
25 forfeiture revenue for restoring damaged critical areas, beach renourishment appropriations, photo copies and certificate forms,
26 including but not limited to, pet rabies vaccination certificate books, sale of listings and labels, sale of State Code and
27 Supplements, sale of films and slides, sale of maps, sale of items to be recycled, including, but not limited to, used motor oil and
28 batteries, sale and/or licensing of software products developed and owned by the Department, and collection of registration fees for
29 non-DHEC employees. Any unexpended balance carried forward must be used for the same purpose.

30 **34.14.** (DHEC: Medicaid Nursing Home Bed Days) Pursuant to Section 44-7-84(A) of the 1976 Code, the maximum number of
31 Medicaid patient days for which the Department of Health and Environmental Control is authorized to issue Medicaid nursing
32 home permits is 4,452,015.

33 **34.15.** (DHEC: Health Licensing Fee) Funds resulting from an increase in the Health Licensing Fee Schedule shall be retained
34 by the department to fund increased responsibilities of the health licensing programs. Failure to submit a license renewal
35 application or fee to the department by the license expiration date shall result in a late fee of \$75 or twenty-five percent of the
36 licensing fee amount, whichever is greater, in addition to the licensing fee. Continual failure to submit completed and accurate

1 renewal applications and/or fees by the time period specified by the department shall result in enforcement actions. The
2 department may waive any or all of the assessed late fees in extenuating circumstances, as long as it is with public knowledge.

3 **34.16.** (DHEC: Infectious Waste Contingency Fund) The Department of Health and Environmental Control is authorized to use
4 not more than \$75,000 from the Infectious Waste Contingency Fund per year for personnel and operating expenses to implement
5 the Infectious Waste Act.

6 **34.17.** (DHEC: Nursing Home Medicaid Bed Day Permit) When a Medicaid patient is transferred from a nursing home to a
7 receiving nursing home due to violations of state or federal law or Medicaid certification requirements, the Medicaid patient day
8 permit shall be transferred with the patient to the receiving nursing home, provided that the receiving nursing home is an enrolled
9 Medicaid provider that already holds Medicaid patient day permits, in which case the receiving facility shall apply to permanently
10 retain the Medicaid patient day permit within sixty days of receipt of the patient.

11 **34.18.** (DHEC: Spoil Easement Areas Revenue) The department is authorized to collect, retain and expend funds received from
12 the sale of and/or third party use of spoil easement areas, for the purpose of meeting the State of South Carolina's responsibility for
13 providing adequate spoil easement areas for the Atlantic Intracoastal Waterway in South Carolina.

14 **34.19.** (DHEC: Per Visit Rate) The SC DHEC is authorized to compensate nonpermanent, part-time employees on a fixed rate
15 per visit basis. Compensation on a fixed rate per visit may be paid to employees for whom the department receives per visit
16 reimbursement from other sources. These individuals will provide direct patient care in a home environment. The per visit rate
17 may vary based on the discipline providing the care and the geographical location of services rendered. Management may pay
18 exempt or nonexempt employees as defined by the Fair Labor Standards Act only when they are needed to work. Individuals
19 employed in this category may exceed twelve months, but are not eligible for State benefits except for the option of contributing to
20 the State Retirement System.

21 **34.20.** (DHEC: Allocation of Indirect Cost and Recoveries) The department shall continue to deposit in the general fund all
22 indirect cost recoveries derived from state general funds participating in the calculation of the approved indirect cost rate. Further
23 administration cost funded with other funds used in the indirect cost calculation may, based on their percentage, be retained by the
24 agency to support the remaining administrative costs of the agency.

25 **34.21.** (DHEC: Permitted Site Fund) The South Carolina Department of Health and Environmental Control may expend funds
26 as necessary from the permitted site fund established pursuant to Section 44-56-160(B)(1), for legal services related to
27 environmental response, regulatory, and enforcement matters, including administrative proceedings and actions in state and all
28 federal courts.

29 **34.22.** (DHEC: Shift Increased Funds) The director is authorized to shift increased appropriated funds in this act to offset
30 shortfalls in other critical program areas.

31 **34.23.** (DHEC: Health Licensing Monetary Penalties) In the course of regulating health care facilities/services, the Bureau of
32 Health Facilities Licensing (BHFL) assesses civil monetary penalties against nonconforming providers. BHFL shall retain up to
33 the first \$50,000 of civil monetary penalties collected each fiscal year and these funds shall be utilized solely to carry out and
34 enforce the provisions of regulations applicable to that division. These funds shall be separately accounted for in the department's
35 fiscal records.

1 **34.24.** (DHEC: Health Facilities Licensing Monetary Penalties) In the course of regulating health care facilities and services,
2 the Bureau of Health Facilities Licensing (BHFL) assesses civil monetary penalties against nonconforming providers. BHFL shall
3 retain up to the first \$100,000 of civil monetary penalties collected each fiscal year and these funds shall be utilized solely to carry
4 out and enforce the provisions of regulations applicable to that division. These funds shall be separately accounted for in the
5 department's fiscal records. Regulations for nursing home staffing for the current fiscal year must (1) provide a minimum of one
6 and sixty-three hundredths (1.63) hours of direct care per resident per day from the non-licensed nursing staff; and (2) maintain at
7 least one licensed nurse per shift for each staff work area. All other staffing standards and non-staffing standards established in
8 Standards for Licensing Nursing Homes: R61-17, Code of State Regulations, must be enforced.

9 **34.25.** (DHEC: Radiological Health Monetary Penalties) In the course of regulating health care facilities/services, the Bureau of
10 Radiological Health (BRH) assesses civil monetary penalties against nonconforming providers. BRH shall retain up to the first
11 \$30,000 of civil monetary penalties collected each fiscal year and these funds shall be utilized solely to carry out and enforce the
12 provisions of regulations applicable to that Bureau. These funds shall be separately accounted for in the department's fiscal
13 records.

14 **34.26.** (DHEC: Prohibit Use of Funds) The Department of Health and Environmental Control must not use any state
15 appropriated funds to terminate a pregnancy or induce a miscarriage by chemical means.

16 **34.27.** (DHEC: Meals in Emergency Operations) The cost of meals may be provided to state employees who are required to
17 work during actual emergencies and emergency simulation exercises when they are not permitted to leave their stations.

18 **34.28.** (DHEC: Compensatory Payment) In the event the President of the United States has declared a state of emergency or the
19 Governor has declared a state of emergency in a county in the State, Fair Labor Standards Act exempt employees of the department
20 may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the agency Director, and providing
21 funds are available.

22 **34.29.** (DHEC: Beach Renourishment and Monitoring and Coastal Access Improvement) If state funds are made available or
23 carried forward from any general revenue, capital, surplus or bond funding appropriated to the department for beach renourishment
24 and maintenance, the department shall be able to expend not more than \$100,000 of these funds annually to support annual beach
25 profile monitoring. Additional funds made available or carried forward for beach renourishment projects that are certified by the
26 department as excess may be spent for beach renourishment and departmental activities that advance the policy goals contained in
27 the State Beachfront Management Plan, R.30-21.

28 **34.30.** (DHEC: South Carolina State Trauma Care Fund) Of the funds appropriated to the South Carolina State Trauma Care
29 Fund, \$2,268,885 shall be utilized for increasing the reimbursement rates for trauma hospitals, for trauma specialists' professional
30 fees, for increasing the capability of EMS trauma care providers from counties with a high rate of traumatic injury deaths to care
31 for injury patients, and for support of the trauma system, based on a methodology as determined by the department with guidance
32 and input from the Trauma Council as established in Section 44-61-530 of the South Carolina Code of Laws. The methodology to
33 be developed will include a breakdown of disbursement of funds by percentage, with a proposed seventy-six and one half percent
34 disbursed to hospitals and trauma physician fees, sixteen percent of the twenty-one percent must be disbursed to EMS providers for
35 training EMTs, Advanced EMTs and paramedics by the four regional councils of this state and the remaining five percent must be
36 disbursed to EMS providers in counties with high trauma mortality rates, and two and one half percent allocated to the department

1 for administration of the fund and support of the trauma system. The Department of Health and Environmental Control shall
2 promulgate regulations as required in Section 44-61-540 of the 1976 Code for the administration and oversight of the Trauma Care
3 Fund.

4 **34.31.** (DHEC: Pandemic Influenza) The Department of Health and Environmental Control shall assess South Carolina's ability
5 to cope with a major influenza outbreak or pandemic influenza and maintain an emergency plan and stockpile of medicines and
6 supplies to improve the state's readiness condition. The department shall report on preparedness measures to the Speaker of the
7 House of Representatives, the President Pro Tempore of the Senate, and the Governor by November first, each year. The
8 department, in conjunction with the Department of Health and Human Services, is authorized to establish a fund for the purpose of
9 developing an emergency supply, stockpile, and distribution system of appropriate antiviral, antibiotic, and vaccine medicines and
10 medical supplies. In the event the United States Department of Health and Human Services makes available medicines or vaccines
11 for purchase by states via federal contract or federally subsidized contract or other mechanism, the department, with Executive
12 Budget Office approval, may access appropriated or earmarked funds as necessary to purchase an emergency supply of these
13 medicines for the State of South Carolina.

14 **34.32.** (DHEC: Pharmacist Services) For the current fiscal year, provisions requiring that all department facilities distributing
15 or dispensing prescription drugs be permitted by the Board of Pharmacy and that each pharmacy have a pharmacist-in-charge are
16 suspended. Each Department of Health and Environmental Control Public Health Region shall be required to have a permit to
17 distribute or dispense prescription drugs. A department pharmacist may serve as the pharmacist-in-charge without being physically
18 present in the pharmacy. The department is authorized to designate one pharmacist-in-charge to serve more than one department
19 facility. Only pharmacists, nurses, or physicians are allowed to dispense and provide prescription drugs/products/vaccines for
20 conditions or diseases that the department treats, monitors, or investigates. In the event of a public health emergency or upon
21 activation of the strategic national stockpile, other medications may be dispensed as necessary.

22 **34.33.** (DHEC: Coastal Zone Appellate Panel) The Coastal Zone Appellate Panel as delineated in Section 48-39-40 of the 1976
23 Code under the Department of Health and Environmental Control shall be suspended for the current fiscal year.

24 **34.34.** (DHEC: Rural Hospital Grants) Rural Hospital Grants funds shall be allocated to public hospitals in very rural or rural
25 areas whose largest town is less than 25,000 and whose licensed bed capacity does not exceed two hundred beds. Hospitals
26 qualifying for the grants shall utilize such funds for any of the following purposes: (a) the development of preventive health
27 programs, medical homes, and primary care diversion from emergency departments; (b) expanded health services, including
28 physician recruitment and retention; (c) to improve hospital facilities; (d) activities involving electronic medical records or claims
29 processing systems; (e) to enhance disease prevention activities in diabetes, heart disease, etc; and (f) activities to ensure
30 compliance with State or Federal regulations.

31 **34.35.** (DHEC: Camp Burnt Gin) Notwithstanding any other provision of law, the funds appropriated to the department
32 pursuant to Part IA, or funds from any other source, for Camp Burnt Gin must not be reduced in the event the department is
33 required to take a budget reduction.

34 **34.36.** (DHEC: Metabolic Screening) The department may suspend any activity related to blood sample storage as outlined in
35 Section 44-37-30 (D) and (E) of the 1976 Code, if there are insufficient state funds to support the storage requirements. In that

event, the samples may be destroyed in a scientifically appropriate manner after testing. The department shall notify providers of the suspension within thirty days of its effective date.

34.37. (DHEC: Fetal Pain Awareness) (A) The department must utilize at least one hundred dollars to prepare printed materials concerning information that unborn children at twenty weeks gestation and beyond are fully capable of feeling pain and the right of a woman seeking an abortion to ask for and receive anesthesia to alleviate or eliminate pain to the fetus during an abortion procedure. The materials must be provided to each abortion provider in the State and must be placed in a conspicuous place in each examination room at the doctor's office. The materials must contain only the following information:

“Fetal Pain Awareness

An unborn child who is twenty weeks old or more is fully capable of experiencing pain. Anesthesia provided to a woman for an abortion typically offers little pain prevention for the unborn child. If you choose to end your pregnancy, you have a right to have anesthesia or analgesic administered to alleviate the pain to your unborn child during the abortion.”

(B) The materials must be easily comprehensible and must be printed in a typeface large and bold enough to be clearly legible.

34.38. (DHEC: SCHIDS) From funds appropriated for Chronic Disease Prevention, the department shall establish a South Carolina Health Integrated Data Services (SCHIDS) program to disseminate data about prevalence, treatment and cost of disease from the South Carolina Health and Human Services Data Warehouse and in particular the Medicaid System. The purpose of the program is to educate communities statewide about improving health and wellness through lifestyle changes.

The Revenue and Fiscal Affairs Office shall provide data needed by the SCHIDS program to fulfill its mission, and all state agencies and public universities involved in educating South Carolinians through public programs for the purpose of improving health and wellness shall communicate with the program in order to improve collaboration and coordination and the possible use of SCHIDS to assist in the evaluation of program outcomes.

Medicaid staff shall coordinate with the SCHIDS program staff to target Prevention Partnership Grant awards to those communities demonstrating a prevalence of chronic disease and/or lack of access to care.

34.39. (DHEC: Abstinence Education Contract) For the current fiscal year, funds made available to the State of South Carolina under the provisions of Title V, Section 510, may only be awarded to other entities through a competitive bidding process.

34.40. (DHEC: Immunizations) The department is authorized to utilize the funds appropriated for immunizations to hire temporary personnel to address periods of high demand for immunizations at local health departments.

34.41. (DHEC: Residential Treatment Facilities Swing Beds) For ~~Fiscal Year 2017-18~~ the current fiscal year in coordination with the South Carolina Health Plan and to improve access for acute psychiatric beds as patient populations demand, Residential Treatment Facilities (RTF) may swing up to eighteen beds per qualifying facility to accommodate patients with a diagnosis of an acute psychiatric disorder. In order to qualify to utilize swing beds a facility must meet the following criteria: the facility must currently have both licensed acute psychiatric and residential treatment facility beds, the RTF beds must meet the same licensure requirements as the existing licensed acute psychiatric beds, and any facility utilizing swing beds must keep the acute and RTF patient populations separate and distinct. The utilization of swing beds must also comply with all federal Centers for Medicare and Medicaid Services rules and regulations.

1 **34.42.** (DHEC: Tuberculosis Outbreak) (A) Upon discovery of a tuberculosis outbreak, the Department of Health and
 2 Environmental Control may expend any funds available to the agency, for the purpose of surveillance, investigation, containment,
 3 and treatment activities related thereto.

4 ~~(B) During an investigation of an index tuberculosis patient, the Department of Health and Environmental Control, through the~~
 5 ~~South Carolina Health Alert Network, must notify the patient's community that a tuberculosis contact investigation is being~~
 6 ~~conducted into the possible exposure to tuberculosis. This subsection only applies if the investigation of the patient has met all of~~
 7 ~~the following criteria:~~

8 ~~—— (1) abnormal chest x rays;~~

9 ~~—— (2) positive Acid Fast Bacilli (AFB) sputum results; and~~

10 ~~—— (3) first round of contact investigation completed with results of individuals testing positive outside of the index patient's~~
 11 ~~family. Upon notification of a tuberculosis outbreak, the Department of Health and Environmental Control will conduct a~~
 12 ~~comprehensive contact investigation and implement control measures consistent with guidance from the Centers for Disease~~
 13 ~~Control and Prevention. As part of the investigation and control of the outbreak, DHEC will alert the appropriate health care~~
 14 ~~providers and community members using the most effective means available.~~

15 (C) Upon being informed of or having reason to suspect a case of tuberculosis that is capable of transmitting tubercle bacilli at a
 16 school or child care center involving a student, teacher, employee, volunteer, or an individual working at the school or child care
 17 center for an employer providing services to the school or child care center, the department immediately shall notify:

18 (1) if the case is at a school, the principal, and the Superintendent of the school district if the school is a public school; and

19 (2) if the case is at a child care center, the director of the child care center; and

20 (D) When informing the principal of a school or the director of a child care center about a known or suspected case of
 21 tuberculosis that is capable of transmitting tubercle bacilli as provided for in subsection (C), the department shall provide:

22 (1) an update addressing the:

23 (a) status of the investigation, including the steps the department is taking to identify the source and extent of the
 24 exposure and the risks of additional exposure; and

25 (b) steps the school or child care center must take to assist the department in controlling the spread of the tuberculosis
 26 infection; and

27 (2) information and other resources to distribute to parents and guardians that discuss how to assist the department in
 28 identifying and managing the tuberculosis infection.

29 **34.43.** (DHEC: Abstinence-Until-Marriage Emerging Programs) (A) From the funds appropriated to DHEC in this act as a
 30 Special Item and titled "Abstinence-Until Marriage Emerging Programs" the department shall award a twelve month grant for
 31 abstinence-until-marriage emerging programs. This funding shall be awarded by the department only to nonprofit 501(c)(3)
 32 agencies meeting all the A-H Title V, Section 510 definitions of Abstinence Education.

33 (B) Contracts must be awarded utilizing a competitive approach in accordance with the South Carolina Procurement Code.

34 (C) Applicants must provide a budget and budget narrative to the department that explains how the funds will be used.

1 (D) Prior to application, proposed programs/curricula must be certified by the National Abstinence Education Association
2 (NAEA) as meeting and being in compliance with all of the Title V, Section 510 A-H requirements for abstinence-until-marriage
3 education programs.

4 (E) The department shall determine and develop the necessary application for awards.

5 (F) The programs implemented by the entity awarded a contract pursuant to this proviso may not violate any portion of the
6 South Carolina Comprehensive Health Education Act when implemented in a school setting. An entity that violates any portion of
7 the South Carolina Comprehensive Health Education Act must reimburse the State for all funds disbursed.

8 Organizations or individuals awarded grants must provide quarterly reports on expenditures and participation to the Department
9 of Health and Environmental Control and the Department of Social Services within fifteen days of the end of each quarter.

10 (G) Grantees failing to submit reports within thirty days of the end of each quarter will be terminated.

11 **34.44.** (DHEC: Abstinence Until Marriage Evidence-Based Programs Funding) From the monies appropriated for the
12 Continuation of Teen Pregnancy Prevention, contracts must be awarded to separate private, nonprofit 501(c)(3) entities to provide
13 Abstinence Until Marriage teen pregnancy prevention programs and services within the State that meet all of the A-H Title V,
14 Section 510 definitions of Abstinence Education. Contracts must be awarded utilizing a competitive approach in accordance with
15 the South Carolina Procurement Code. Proposed programs/curricula must be certified by the National Abstinence Education
16 Association (NAEA) as meeting and being in compliance with all of the Title V, Section 510 A-H requirement for
17 abstinence-until-marriage education programs. Applicants must provide a budget for the proposed project for which the
18 application is being made. Monies will be paid over a twelve month basis for services rendered. Unexpended funds shall be
19 carried forward for the purpose of fulfilling the department's contractual agreement. The programs implemented by the entity
20 awarded a contract pursuant to this proviso may not violate any portion of the South Carolina Comprehensive Health Education
21 Act when implemented in a school setting. An entity that violates any portion of the South Carolina Comprehensive Health
22 Education Act must reimburse the State for all funds disbursed.

23 **34.45.** (DHEC: Wave Dissipation Device) From funds appropriated to the department for the Coastal Resource Improvement
24 program, the department shall permit a Wave Dissipation Device pilot program to be initiated.

25 The deployment of a qualified wave dissipation device seaward of the setback line or baseline pursuant to a study conducted by
26 the Citadel or a research university is not construction and meets the permitting exception contained in Section 48-39-130(D)(2).
27 Prior to deploying or expanding a qualified wave dissipation device, a person proposing to deploy or expand the device must pay
28 the department a fee of ten cents per linear foot of the proposed deployment or expansion. The department may order the removal
29 of all or any portion of a qualified wave dissipation device that the department determines causes material harm to the flora, fauna,
30 physical or aesthetic resources of the area under Section 48-39-130(D)(2) of the 1976 Code.

31 A 'qualified wave dissipation device' is a device that:

32 (1) is placed mostly parallel to the shoreline;

33 (2) is designed to dissipate wave energy;

34 (3) is designed to minimize scouring seaward of and adjacent to the device by permitting sand to move landward and
35 seaward through the device;

- 1 (4) the horizontal panels designed to dissipate wave energy can be deployed within one-hundred twenty hours or less and can
2 be removed within one-hundred twenty hours or less;
3 (5) does not negatively impact or inhibit sea turtle nesting or other fauna;
4 (6) can be adjusted after initial deployment in response to fluctuations in beach elevations; and
5 (7) otherwise prevents down-coast erosion, protects property, and limits negative impacts to public safety and welfare, beach
6 access, and the health of the beach dune system.

7 **34.46.** (DHEC: Birth Center Inspections) With the funds appropriated and authorized to the Department of Health and
8 Environmental Control for this fiscal year, the department shall ensure that all licensed birth centers must register an on-call
9 agreement and any transfer policies with the Department of Health and Environmental Control. The on-call agreement shall
10 contain provisions which provide that the on-call physician, or another physician designated by the on-call physician, is readily
11 available to provide medical assistance either in person or by telecommunications or other electronic means, which means the
12 physician must be within a thirty minute drive of the birth center or hospital, must be licensed in the State of South Carolina, and
13 have hospital admitting or consulting privileges, and shall provide consultation and advice to the birth center at all times it is
14 serving the public. Furthermore, a birth center shall document in its practice guidelines and policies the ability to transfer care to
15 an acute care hospital with obstetrical and newborn services and must demonstrate this by: (A) coordinated transfer care plans,
16 protocols, procedures, arrangements, or through collaboration with one or more acute care hospitals with appropriate obstetrical
17 and newborn services; and (B) admitting or consulting privileges at one or more hospitals with appropriate obstetrical and newborn
18 services by a birth center's consulting physician. The department shall require a \$25.00 registration fee upon receipt and review of
19 the agreements containing these provisions. Acute care hospitals licensed by the department must negotiate in good faith and fair
20 dealing effort with any birth center licensed by the department within a 50 mile radius to establish a written transfer agreement
21 pursuant to this proviso. Birth centers registering on-call and transfer policies in accordance with this proviso shall be deemed by
22 the department to be in compliance with Section 44-89-60(3) of the South Carolina Code and any implementing regulations for this
23 fiscal year.

24 **34.47.** (DHEC: Abortion Clinic Certification) Prior to January 31, 2017, a facility other than a hospital that is licensed and
25 certified by the department to perform abortions must file a report with the department that provides the number of physicians that
26 performed an abortion at the facility between July 1, ~~2016~~ 2017 and December 31, ~~2016~~ 2017, who did not have admitting
27 privileges at a local certified hospital and staff privileges to replace on-staff physicians at the certified hospital and the percentage
28 of these physician in relation to the overall number of physicians who performed abortions at the facility. The report must include
29 a summation of any abortion that resulted in an outcome which required a level of aftercare that exceeds what is customarily
30 provided by physicians in such cases in accordance with accepted medical practice and indicate whether or not the abortion was
31 performed by a physician with admitting privileges at a local certified hospital and staff privileges to replace on-staff physicians at
32 the certified hospital. Any summation of any abortion must not divulge any information that is privileged or required to be
33 maintained as confidential by any provision of law. An applicable facility must remit a twenty-five dollar filing fee to the
34 department for the report required by this provision.

35 **34.48.** (DHEC: Data Center Migration) Of the funds appropriated to the Department of Health and Environmental Control for
36 Data Center Migration, the department must utilize the Department of Administration, Division of Technology Operations for

1 shared services, including but not limited to, mainframe services, application hosting, servers, managed servers, storage, network
2 services and disaster recovery services. Unexpended funds appropriated for the data center migration may be carried forward from
3 the prior fiscal year and used for the same purpose.

4 **34.49.** (DHEC: AIDS Service Provision Program) For the current fiscal year, funds appropriated and authorized to the
5 Department of Health and Environmental Control for clinical services and medical case management shall be used to direct the
6 department to establish through contract a pilot program for the expansion of direct services to clients who are HIV positive. As
7 part of the pilot program, the department shall facilitate 340b pricing for the AIDS Healthcare Foundation by utilizing Ryan White
8 Part B federal funding to support this pilot in order to maximize the state's resources and service provision beyond its current
9 levels. The department shall require that the AIDS Healthcare Foundation provide any reports or information required by the 340b
10 pricing program, and shall provide proof of the contractual relationship between the department and the AIDS Healthcare
11 Foundation to the Office of Pharmacy Affairs at HRSA.

12 **34.50.** (DHEC: EMS Monetary Penalties) In the course of regulating Emergency Medical Services (EMS) agencies and
13 personnel, the Bureau of EMS assesses civil monetary penalties against nonconforming providers. The Bureau of EMS shall retain
14 up to the first \$40,000 of civil monetary penalties collected each fiscal year and these funds shall be utilized solely to carry out and
15 enforce the provisions of regulations applicable to that bureau. These funds shall be separately accounted for in the department's
16 fiscal records. The agency shall provide a report on how these funds are expended to the Governor, the Chairman of the Senate
17 Finance Committee and the Chairman of the House Ways and Means Committee.

18 ***34.51.** (DHEC: Greenwood Sewer Extension Line) *Funds remaining from the \$990,000 appropriated in Act 117 of 2007,*
19 *by proviso 73.12, Item 65(S) to the Department of Health and Environmental Control for the Greenwood Sewer Extension Line*
20 *shall be redirected for any project on the Eagles Harbor priority list, less any outstanding expenses associated with the*
21 *Greenwood Sewer Extension Line. Unexpended funds may be carried forward into the current fiscal year to be expended for*
22 *the same purpose.*

23 **34.52.** (DHEC: Lake Conestee Dam and Reservoir) Of the funds appropriated and authorized to the Department of Health and
24 Environmental Control, the department shall appropriate up to \$185,000 to the Conestee Foundation, the owner of the Lake
25 Conestee Dam, to conduct an expert dam engineering study. The objective of this study shall be to examine alternatives for the
26 rehabilitation and/or replacement of the present Lake Conestee Dam. The study shall include all inspection, survey, engineering
27 analysis, risk calculations, sampling and environmental testing activities, and hydrologic modeling necessary to evaluate all viable
28 alternatives, and related construction and long term care costs and other related requirements necessary to compare the alternatives
29 in accordance with appropriate state and federal agency requirements, and customary dam engineering requirements. The study
30 shall identify a Final Recommended Alternative appropriate for final design and construction.

31 The contractor conducting the study on behalf of the Conestee Foundation shall be selected in a manner similar to state
32 procurement standards. The panel selecting the contractor shall be made up of one representative of the Conestee Foundation, one
33 representative from the Department of Health and Environmental Control, one representative appointed by the Greenville County
34 Legislative Delegation, one representative appointed by the Greenwood County Legislative Delegation, and one representative
35 appointed by the Laurens County Legislative Delegation. The study must meet all regulatory requirements, and the Department of

Health and Environmental Control will provide review of the study and scope of work. The funding of this study does not obligate the State of South Carolina in any way to the future costs of the anticipated rehabilitation or replacement of the dam.

34.53. (DHEC: Ocean Water Quality Outfall Initiative) In the current fiscal year, funds appropriated and authorized to the Department of Health and Environmental Control in the department's Beach Renourishment Fund shall be made available as state matching funds for Horry County Ocean Water Quality Outfall Initiatives. The department is authorized to retain and carry forward these funds into the current fiscal year to be used for the same purpose. Any interest generated by the account must be credited and deposited into this account, to be used as state matching funds for either local or federal funding, and utilized for Ocean Water Quality Outfall Initiatives in Horry County.

***34.54.** (DHEC: Alida Street Project) *The funds appropriated in Act 91 of 2015 by proviso 118.14(B)(22)(j) to the Department of Health and Environmental Control for the Indoor Aquatic and Community Center - Richland County (Requires 2:1 Match) shall be redirected to the City of Columbia to be used as match for the Alida Street project.*

34.55. (DHEC: Best Chance Network/Colon Cancer Prevention) Of the funds appropriated to the department for Best Chance Network and Colon Cancer Prevention, the department shall utilize \$500,000 for the Best Chance Network and \$500,000 as matching funds for the Colon Cancer Prevention Network.

***34.56.** (DHEC: Hazardous Waste Fund County Account) *Funds in each county's Hazardous Waste Fund County Account must be released by the State Treasurer, upon the written request of a majority of the county's legislative delegation representing the economically depressed area of the county, and shall be used for infrastructure within the economically depressed area of that county. For purposes of this provision the definition of "infrastructure" includes, but is not limited to, improvements for water, sewer, gas, steam, electric energy, communication and other ancillary services that may be made to a building or land which are considered necessary, suitable, or useful to an eligible project that has a documented impact on economic development.*

SECTION 35 - J120 - DEPARTMENT OF MENTAL HEALTH

35.1. (DMH: Patient Fee Account) The Department of Mental Health is hereby authorized to retain and expend its Patient Fee Account funds. In addition to funds collected for the maintenance and medical care for patients, Medicare funds collected by the department from patients' Medicare benefits and funds collected by the department from its veteran facilities shall be considered as patient fees. The department is authorized to expend these funds for departmental operations, for capital improvements and debt service under the provisions of Act 1276 of 1970, and for the cost of patients' Medicare Part B premiums. The department shall remit \$290,963 to the General Fund, \$400,000 to the Continuum of Care, \$50,000 to the Alliance for the Mentally Ill, and \$250,000 to S.C. Share Self Help Association Regarding Emotions.

35.2. (DMH: Institution Generated Funds) The Department of Mental Health is authorized to retain and expend institution generated funds which are budgeted.

35.3. (DMH: Alzheimer's Funding) Of the funds appropriated to the Department of Mental Health for Community Mental Health Centers, \$900,000 must be used for contractual services to provide respite care and diagnostic services to those who qualify as determined by the Alzheimer's Disease and Related Disorders Association. The department must maximize, to the extent

feasible, federal matching dollars. On or before September thirtieth of each year, the Alzheimer's Disease and Related Disorders Association must submit to the department, Governor, Senate Finance Committee, and House Ways and Means Committee an annual financial statement and outcomes measures attained for the fiscal year just ended. These funds may not be expended or transferred during the current fiscal year until the required reports have been received by the department, Governor, Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee. In addition, when instructed by the Executive Budget Office or the General Assembly to reduce funds by a certain percentage, the department may not reduce the funds transferred to the Alzheimer's Disease and Related Disorders Association greater than such stipulated percentage.

35.4. (DMH: Crisis Intervention Training) Of the funds appropriated to the department, \$170,500 shall be utilized for the National Alliance on Mental Illness (NAMI) SC for Crisis Intervention Training (CIT).

35.5. (DMH: Uncompensated Patient Medical Care) There is created an Uncompensated Patient Care Fund to be used by the department for medical costs incurred for patients. These funds may be carried forward from the prior fiscal year into the current fiscal year to be used for the same purpose.

35.6. (DMH: Meals in Emergency Operations) The cost of meals may be provided to state employees who are required to work during actual emergencies and emergency simulation exercises when they are not permitted to leave their stations.

35.7. (DMH: Deferred Maintenance, Capital Projects, Ordinary Repair and Maintenance) The Department of Mental Health is authorized to establish an interest bearing fund with the State Treasurer to deposit funds for deferred maintenance and other one-time funds from any source. The department is also authorized to retain and deposit into the fund proceeds from the sale of excess real property owned by, under the control of, or assigned to the department. After receiving any required approvals, the department is authorized to expend these funds for the purpose of deferred maintenance, capital projects, and ordinary repair and maintenance. These funds may be carried forward from the prior fiscal year into the current fiscal year to be used for the same purpose.

35.8. (DMH: Lease Payments to SFAA for SVP Program) In the current fiscal year, funds appropriated and authorized to the Department of Mental Health for Lease Payments to the State Fiscal Accountability Authority for the Sexually Violent Predator Program are exempt from any across-the-board base reductions.

SECTION 36 - J160 - DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS

36.1. (DDSN: Work Activity Programs) All revenues derived from production contracts earned by individuals served by the department in Work Activity Programs be retained by the South Carolina Department of Disabilities and Special Needs and carried forward as necessary into the following fiscal year to be used for other operating expenses and/or permanent improvements of these Work Activity Programs.

36.2. (DDSN: Sale of Excess Real Property) The department is authorized to retain revenues associated with the sale of excess real property owned by, under the control of, or assigned to the department and may expend these funds as grants to purchase or build community residences and day program facilities for the individuals DDSN serves. The department shall follow all the policies and procedures of the Department of Administration or State Fiscal Accountability Authority and the Joint Bond Review Committee.

1 **36.3.** (DDSN: Prenatal Diagnosis) Revenues not to exceed \$126,000 from client fees, credited to the debt service fund and not
2 required to meet the department's debt service requirement, may be expended only in the current fiscal year to promote expanded
3 prenatal diagnosis of intellectual and/or other related disabilities by the Greenwood Genetic Center.

4 **36.4.** (DDSN: Medicaid-Funded Contract Settlements) The department is authorized to carry forward and retain settlements
5 under Medicaid-funded contracts.

6 **36.5.** (DDSN: Departmental Generated Revenue) The department is authorized to continue to expend departmental generated
7 revenues that are authorized in the budget.

8 **36.6.** (DDSN: Transfer of Capital/Property) The department may transfer capital to include property and buildings to local
9 DSN providers with State Fiscal Accountability Authority approval.

10 **36.7.** (DDSN: Unlicensed Medication Providers) The provision of selected prescribed medications may be performed by
11 designated unlicensed persons in community-based programs sponsored, licensed or certified by the South Carolina Department of
12 Disabilities and Special Needs, provided the unlicensed persons have documented successful completion of medication training
13 and competency evaluation. Licensed nurses, licensed pharmacists and licensed medical doctors may train and supervise
14 designated unlicensed persons to provide medications and, after reviewing competency evaluations, may approve designated
15 unlicensed persons for the provision of medications. The provision of medications by designated unlicensed persons is limited to
16 oral, sublingual, buccal, topical, inhalation and transdermal medications; ear drops, eye drops, nasal sprays, injections of regularly
17 scheduled insulin and injections of prescribed anaphylactic treatments. The provision of medications by designated unlicensed
18 persons does not include rectal and vaginal medications, sliding scale insulin or other injectable medications. A written or
19 electronic record regarding each medication provided, including time and amount administered, is required as part of the provision
20 of medication. Provision of medication does not include judgment, evaluation or assessment by the designated unlicensed persons.
21 The designated unlicensed persons and the nurses, pharmacists and medical doctors that train, approve, and supervise these staff
22 shall be protected against tort liability provided their actions are within the scope of their job duties and the established medical
23 protocol.

24 The Department of Disabilities and Special Needs shall establish curriculum and standards for training and oversight.

25 This provision shall not apply to a facility licensed as an intermediate care facility for individuals with intellectual and/or related
26 disability.

27 **36.8.** (DDSN: Pervasive Developmental Disorder) The Department of Disabilities and Special Needs, as the agency
28 authorized to treat autistic disorder, is designated for a Medicaid project to treat children who have been diagnosed by eight years
29 of age with a pervasive developmental disorder. The project must target the youngest ages feasible for treatment effectiveness,
30 treatment for each individual child shall not exceed three years without a special exception as defined in the waiver, and
31 reimbursement for each individual participant may not exceed \$50,000 per year. The Department of Disabilities and Special Needs
32 and the Department of Health and Human Services will determine the areas of the State with the greatest need and availability of
33 providers. Children participating in the project will be selected based upon an application system developed in compliance with
34 the Medicaid waiver. Treatment will be provided as authorized and prescribed by the department according to the degree of the
35 developmental disability. In authorizing and prescribing treatment the department may award grants or negotiate and contract with
36 public or private entities to implement intervention programs, which must comply with Medicaid reimbursement methodologies,

1 for children who have been diagnosed with a pervasive developmental disorder. “Pervasive developmental disorder” means a
2 neurological condition, including autistic disorder and Asperger’s syndrome, as defined in the most recent edition of the Diagnostic
3 and Statistical Manual of Mental Disorders of the American Psychiatric Association. The department shall report semi-annually to
4 the General Assembly and the Governor on the developmental progress of the children participating in the project and the fiscal
5 status of the project, to include expenditure data and appropriation balances. This provision does not establish or authorize creation
6 of an entitlement program or benefit.

7 The Department of Disabilities and Special Needs and the Department of Health and Human Services shall develop a plan to
8 transition children in the Pervasive Developmental Disorder Program (PDD) to Medicaid State Plan services in a manner that
9 minimizes any break in service. Private insurance benefits which include Autism Spectrum Disorder services shall be sought prior
10 to the expenditure of Medicaid or State funds for these services. For children not Medicaid eligible, the Department of Disabilities
11 and Special Needs shall develop a sliding fee scale based on a means test for determining payment by a family for PDD services.

12 As children transition from the waiver to the Medicaid State Plan, the Department of Disabilities and Special Needs shall
13 permanently transfer, on a quarterly basis, all uncommitted Medicaid matching funds to the Department of Health and Human
14 Services to be used for Applied Behavioral Analysis lead and line therapist services to ensure access to care. The Department of
15 Disabilities and Special Needs shall provide a report to the House Ways and Means Committee and the Senate Finance Committee
16 within thirty days after the close of the fiscal year on the amount of funds transferred to the Department of Health and Human
17 Services.

18 **36.9.** (DDSN: Child Daycare Centers) Of the funds appropriated to the department, the department shall provide
19 reimbursement for services provided to department eligible children at daycare centers previously under contract prior to
20 December 31, 2008. The reimbursement shall not be less than eighty percent of the amount reimbursed in the previous fiscal year.
21 By September fifteenth, the department must transfer \$100,000 to the Anderson County Disabilities Board for the provision of
22 these services.

23 **36.10.** (DDSN: Debt Service Account) The department shall utilize the uncommitted dollars in their debt service account,
24 account E164660, for operations and services that are not funded in the appropriations bill. By August first, the department must
25 report to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means
26 Committee on the remaining balance in this account and on the amounts and purposes for which the account was used in the prior
27 fiscal year.

28 **36.11.** (DDSN: Traumatic Brain Injury) Funds appropriated to the agency for Traumatic Brain Injury/Spinal Cord Injury
29 Post-Acute Rehabilitation shall be used for that purpose only. In the event the department receives a general fund reduction in the
30 current fiscal year, any reductions to the post-acute rehabilitation funding shall not exceed reductions in proportion to the agency as
31 a whole.

32 **36.12.** (DDSN: Medicaid Direct Billing) The department shall facilitate Medicaid direct billing for all providers, including local
33 disabilities and special needs boards, who choose to initiate the direct billing process regardless of the receipt of capital grant funds
34 from the department for the specific facility involved. All entities receiving capital grant funds must use the funds as originally
35 specified in the award. If the purpose or use of a facility constructed or purchased with departmental grant funds is altered without

the department's approval, the entity must repay the department the amount of the funds awarded. The use of direct billing shall not be construed as a change in the purpose or use of a facility.

36.13. (DDSN: Carry Forward Authorization) For the current fiscal year, the department is authorized to carry forward any balance of General Funds appropriated for the reduction of the department's waiting lists in the prior fiscal year and must utilize these funds for the same purpose in the current fiscal year. Within thirty days after the close of the fiscal year, the department shall report the balance carried forward to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

36.14. (DDSN: Service Providers Expenditure Requirement) For the current fiscal year, in order to accommodate service provider infrastructure needs resulting from the reductions in the department's waiting lists, service providers including local disabilities and special needs boards are authorized to carry forward from the prior fiscal year unexpended funds based on a ninety percent expenditure requirement for capitated services. Service providers shall not withhold services in order to generate funds to be carried forward. The expenditure requirement shall not affect the department's three month reserve limitation policy. If the department's Medicaid allowable costs, in the aggregate, do not meet the level of certified public expenditures (CPEs) reported to the Department of Health and Human Services, the department is allowed to recoup funds necessary to remain in compliance with federal Medicaid CPE rules.

36.15. (DDSN: Beaufort DSN Facility) For Fiscal Year ~~2017-18~~ 2018-19, the Department of Disabilities and Special Needs is authorized to retain the full amount of proceeds from the sale of the local Disabilities and Special Needs Board of Beaufort County property. The funds retained from this sale must be used by the department to purchase a new property for the local Disabilities and Special Needs Board in Beaufort County that more appropriately meets the needs of the individuals served. Unexpended funds may be carried forward into the current fiscal year and used for the same purpose. The department must provide a status report to the Beaufort County Legislative Delegation by June 30, ~~2018~~ 2019, detailing the retention of any sale proceeds and/or the expenditures of those funds.

SECTION 37 - J200 - DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES

37.1. (DAODAS: Training & Conference Revenue) The department may charge fees for training events and conferences. The revenues from such events shall be retained by the department to increase education and professional development initiatives.

37.2. (DAODAS: Gambling Addiction Services) In that gambling is a serious problem in South Carolina, the department through its local county commissions may provide, from funds appropriated to the department, information, education, and referral services to persons experiencing gambling addictions.

37.3. (DAODAS: Medicaid Match Transfer) At the beginning of the fiscal year, the Department of Alcohol and Other Drug Abuse Services will transfer \$1,915,902 to the Department of Health and Human Services to meet federal Medicaid Match participation requirements for the delivery of alcohol and other drug abuse services to the Medicaid beneficiary population.

SECTION 38 - L040 - DEPARTMENT OF SOCIAL SERVICES

38.1. (DSS: Fee Retention) The Department of Social Services shall recoup all refunds and identified program overpayments and all such overpayments shall be recouped in accordance with established collection policy. Funds of \$800,000 collected under the Child Support Enforcement Program (Title IV-D) which are state funds shall be remitted to the State Treasurer and credited to the General Fund of the State. All state funds above \$800,000 shall be retained by the department to fund Self-Sufficiency and Family Preservation and Support initiatives.

38.2. (DSS: Recovered State Funds) The department shall withhold a portion of the State Funds recovered, under the Title IV-D Program, for credit to the general fund in order to allow full participation in the federal "set off" program offered through the Internal Revenue Service, the withholding of unemployment insurance benefits through the Department of Employment and Workforce and reimbursement for expenditures related to blood testing. Such funds may not be expended for any other purpose. The Department of Social Services shall be allowed to utilize the State share of Federally required fees, collected from non-TANF clients, in the administration of the Child Support Enforcement Program. Such funds may not be expended for any other purpose. However, this shall not include Child Support Enforcement Program incentives paid to the program from federal funds to encourage and reward cost effective performance. Such incentives are to be reinvested in the program to increase collections of support at the state and county levels in a manner consistent with federal laws and regulations governing such incentive payments. The department shall not use clerk of court incentive funds to replace agency operating funds. Such funds shall be remitted to the appropriate state governmental entity to further child support collection efforts.

38.3. (DSS: Burial Expenses) The expenditure of funds allocated for burials of foster children and adults in the custody of the Department of Social Services shall not exceed one thousand five hundred dollars per burial.

38.4. (DSS: Battered Spouse Funds) Appropriations included in Subprogram II.J. entitled Battered Spouse shall be allocated through contractual agreement to providers of this service. These appropriations may also be used for public awareness and contracted services for victims of this social problem including the abused and children accompanying the abused. Such funds may not be expended for any other purpose nor be reduced by any amount greater than that stipulated by the Executive Budget Office or the General Assembly for the agency as a whole.

38.5. (DSS: Court Examiner Service Exemption) In order to prevent the loss of federal funds to the State, employees of the Department of Social Services whose salaries are paid in full or in part from federal funds will be exempt from serving as court examiners.

38.6. (DSS: TANF Advance Funds) The Department of Social Services is authorized to advance sufficient funds during each fiscal year from the Temporary Assistance for Needy Families Assistance Payments general fund appropriations to the Temporary Assistance for Needy Families Assistance Payments federal account only for the purpose of allowing a sufficient cash flow in the federal account. The advance must be refunded no later than April of the same fiscal year. Upon the advance of funds as provided herein, the Comptroller General is authorized to process the July voucher for the funding of benefit checks.

38.7. (DSS: Fee Schedule) The Department of Social Services shall be allowed to charge fees and accept donations, grants, and bequests for social services provided under their direct responsibility on the basis of a fee schedule. The fees collected shall be

1	utilized by the Department of Social Services to further develop and administer these program efforts. The below fee schedule is	
2	established for the current fiscal year.	
3	Day Care	
4	Family Child Care Homes (up to six children)	\$15
5	Group Child Care Homes (7-12 children)	\$30
6	Registered Church Child Care (13+)	\$50
7	Licensed Child Care Centers (13-49)	\$50
8	Licensed Child Care Centers (50-99)	\$75
9	Licensed Child Care Centers (100-199)	\$100
10	Licensed Child Care Centers (200+)	\$125
11	Central Registry Checks	
12	Nonprofit Entities	\$8
13	For-profit Agencies	\$25
14	State Agencies	\$8
15	Schools	\$8
16	Day Care	\$8
17	Other – Volunteer Organizations	\$8
18	Other Children's Services	
19	Services Related to Adoption of Children from	
20	Other Countries	\$225
21	Court-ordered Home Studies in non-DSS Custody Cases	\$850
22	Licensing Residential Group Homes Fee for an	
23	Initial License	\$250
24	For Renewal	\$75
25	Licensing Child Caring Institutions Fee for an	
26	Initial License	\$500
27	For Renewal	\$100
28	Licensing Child Placing Agencies Fee for an	
29	Initial License	\$500
30	For Renewal	\$60
31	For Each Private Foster Home Under the Supervision	
32	of a Child Placing Agency	\$15
33	Responsible Father Registry	
34	Registry Search	\$50

1 **38.8.** (DSS: Food Stamp Fraud) The state portion of funds recouped from the collection of recipient claims in the TANF and
 2 Food Stamp programs shall be retained by the department. A portion of these funds shall be distributed to local county offices for
 3 emergency and program operations.

4 **38.9.** (DSS: TANF - Immunizations Certificates) The department shall require all TANF applicants and/or recipients to
 5 provide proof of age appropriate immunizations for children. If such immunizations have not been administered, the department
 6 shall assist in referring applicants to appropriate county health departments to obtain the immunizations.

7 **38.10.** (DSS: County Directors' Pay) With respect to the amounts allocated to the Department of Social Services for Employee
 8 Pay Increase in this act, the Department of Social Services is authorized to allot funds for pay increases to individual county
 9 directors and regional directors in classified positions without uniformity. Pay increases for DSS county directors and regional
 10 directors shall be administered in accordance with the guidelines established by the Department of Administration for Executive
 11 Compensation System and other nonacademic unclassified employees. Any employees subject to the provisions of this paragraph
 12 shall not be eligible for any other compensation increases provided in this act.

13 **38.11.** (DSS: Use of Funds Authorization) Department investigative units shall be authorized to receive and expend funds
 14 awarded to these units as a result of a donation, contribution, prize, grant, and/or court order. These funds shall be retained by the
 15 department on behalf of the investigative units and deposited in a separate, special account and shall be carried forward from year
 16 to year and withdrawn and expended as needed to fulfill the purposes and conditions of the donation, contribution, prize, grant,
 17 and/or court order, if specified, and if not specified, as may be directed by the Director of the Department of Social Services.
 18 These accounts shall not be used to supplant operating funds in the current or future budgets. The agency shall report to the Senate
 19 Finance Committee and Ways and Means Committee by January thirtieth of the current fiscal year on the amount of funds received
 20 and how expended.

21 **38.12.** (DSS: Use of Funds Authorization) Unless specifically directed by the General Assembly, when DSS is directed to
 22 provide funds to a not-for-profit or 501(c)(3) organization, that organization must use the funds to serve persons who are eligible
 23 for services in one or more DSS programs.

24 **38.13.** (DSS: Grant Authority) The Department of Social Services is authorized to make grants to community-based
 25 not-for-profit organizations for local projects that further the objectives of DSS programs. The department shall develop policies
 26 and procedures and may promulgate regulations to assure compliance with state and federal requirements associated with the funds
 27 used for the grants and to assure fairness and accountability in the award and administration of these grants. The department shall
 28 require a match from all grant recipients.

29 **38.14.** (DSS: Family Foster Care Payments) The Department of Social Services shall furnish as Family Foster Care payments
 30 for individual foster children under their sponsorship and under kinship care:

31	ages	0 - 5	\$404	per month
32	ages	6 - 12	\$469	per month
33	ages	13 +	\$535	per month

34 These specified amounts are for the basic needs of the foster children to include kinship care assistance. Basic needs within this
 35 proviso are identified as food (at home and away), clothing, housing, transportation, education and other costs as defined in the
 36 U.S. Department of Agriculture study of "Annual Cost of Raising a Child to Age Eighteen". Further, each agency shall identify

1 and justify, as another line item, all material and/or services, in excess of those basic needs listed above, which were a direct result
2 of a professional agency evaluation of clientele need. Legitimate medical care in excess of Medicaid reimbursement or such care
3 not recognized by Medicaid may be considered as special needs if approved by the sponsoring/responsible agency and shall be
4 reimbursed by the sponsoring agency in the same manner of reimbursing other special needs of foster children.

5 **38.15.** (DSS: Penalty Assessment) The Department of Social Services may impose monetary penalties against a person, facility,
6 or other entity for violation of statutes or regulations pertaining to programs, other than foster home licensing, that the department
7 regulates. Penalties collected must be remitted to the State Treasurer for deposit into the State General Fund. The department shall
8 promulgate regulations for each program in which penalties may be imposed. The regulations must include guidance on the
9 decision to assess a penalty, the effect of failure to pay a penalty in a timely manner, and a schedule of penalty ranges that takes
10 into account severity and frequency of violations. These regulations must provide for notice of the penalty and the right to a
11 contested case hearing before a designee of or panel appointed by the director of the department. Judicial review of the final
12 agency decision concerning a penalty must be in accordance with statutes or regulations that apply to judicial review of final
13 revocation and denial decisions in that particular program. The department, in accordance with regulations promulgated pursuant
14 to this provision, shall have discretion in determining the appropriateness of assessing a monetary penalty against a person or
15 facility and the amount of the penalty. The authority to assess monetary penalties shall be in addition to other statutory provisions
16 authorizing the department to seek injunctive relief or to deny, revoke, suspend, or otherwise restrict or limit a license or other
17 types of operating or practice registrations, approvals, or certificates.

18 **38.16.** (DSS: Child Support Enforcement Automated System Carry Forward) The department shall be authorized to retain and
19 carry forward any unexpended funds appropriated for the Child Support Enforcement automated system and related penalties.

20 **38.17.** (DSS: Child Support Enforcement System) From the funds appropriated in Part IA, Section 38 (II.F.), the Department of
21 Social Services shall prepare a detailed report on the status of the Child Support Enforcement System. The report shall include, but
22 not be limited to, actions currently being undertaken to become compliant with federal government requirements; the cost required
23 to meet minimum federal guidelines; total funds spent so far on the system; the amount of fines assessed by the federal government
24 associated with noncompliance; how much has been spent to satisfy actions taken by the state judicial system; and how much has
25 been spent related to actions taken by any other entity which may have altered the amount required for meeting minimum federal
26 guidelines. The report shall be submitted to the General Assembly by August thirty-first of the current fiscal year.

27 **38.18.** (DSS: Child Care Voucher) State funds allocated to the Department of Social Services and used for child care vouchers
28 must be used to enroll eligible recipients within provider settings exceeding the state's minimum child care licensing standards.
29 The department may waive this requirement on a case by case basis.

30 **38.19.** (DSS: Meals in Emergency Operations) The cost of meals may be provided to state employees who are not permitted to
31 leave their stations and are required to work during actual emergencies, emergency situation exercises, and when the Governor
32 declares a state of emergency.

33 **38.20.** (DSS: Day Care Facilities Supervision Ratios) For the current fiscal year, staff-child ratios contained in Regulations
34 114-504(B), 114-504(C), 114-524(B), and 114-524(C) shall remain at the June 24, 2008 levels.

35 **38.21.** (DSS: Foster Care Goals) To comply with the requirements of 42 U.S.C. Section 671(a)(14) and 45 C.F.R. Section
36 1356.21(n), it shall be the goal of the state that the maximum number of Title IV-E funded children who will remain in foster care

1 for more than twenty-four months will not exceed a total of 2,617 during the fiscal year. The Department of Social Services shall
2 develop appropriate plans for timely permanency and use appropriate data benchmarks and targets that will achieve this goal.

3 **38.22.** (DSS: Comprehensive Teen Pregnancy Prevention Funding) (A) From the monies appropriated for the Continuation of
4 Teen Pregnancy Prevention, the department must award the dollars allocated to a nonprofit 501(c)(3) entity to provide abstinence
5 first, age appropriate comprehensive approach to health and sexuality education with a goal of preventing adolescent pregnancy
6 throughout South Carolina.

7 (B) Contracts must be awarded utilizing a competitive approach in accordance with the South Carolina Procurement Code.

8 (C) The monies appropriated must be paid over a twelve month basis for services rendered. Unexpended funds shall be carried
9 forward for the purpose of fulfilling the department's contractual agreement.

10 (D) The programs implemented by the entity awarded a contract pursuant to this proviso may not violate any portion of the
11 South Carolina Comprehensive Health Education Act when implemented in a school setting. An entity that violates any portion of
12 the South Carolina Comprehensive Health Education Act must reimburse the State for all funds disbursed.

13 **38.23.** (DSS: SNAP Coupons) The Department of Social Services shall continue the "Healthy Bucks" program established to
14 provide coupons that allow Supplemental Nutrition Assistance Program (SNAP) recipients to obtain additional fresh fruits and
15 vegetables when purchasing fresh produce at grocery stores or farmers markets with SNAP benefits through their EBT cards. Each
16 coupon shall allow the beneficiary to double the amount of produce purchased, up to ten dollars per month. The agency shall
17 utilize all funds received in the prior and current fiscal years from the U.S. Department of Agriculture as a bonus for reducing the
18 error rate in processing SNAP applications to fund the program. The agency shall work to identify and utilize funds as matching
19 dollars for the continued success of the "Healthy Bucks" program and shall report semi-annually to the General Assembly on the
20 status of the program. The report shall include, at a minimum, the number of recipients, counties served, and cumulative
21 expenditure data for the program.

22 **38.24.** (DSS: Internal Child Fatality Review Committees) For ~~Fiscal Year 2017-18~~ *the current fiscal year*, the Director of the
23 Department of Social Services shall create and fund Internal Child Fatality Review Committees (internal committees) pursuant to
24 the authority granted in Sections 43-1-60(3), 43-1-80, and 63-7-910(E) of the 1976 Code to allow for the rapid and expeditious
25 review of reported child fatalities that are reported to the Department of Social Services on suspicion of abandonment, child abuse,
26 neglect or harm as defined in Section 63-7-20. This review process will enable the department to respond to the safety needs of
27 any surviving siblings and will lead to improvement in the department's efforts to prevent child fatalities caused by abandonment,
28 child abuse, neglect or harm. Each internal committee shall be composed of a board-certified child abuse pediatrician, an agent
29 from the State Law Enforcement Division, a local law enforcement officer, a representative from the local coroner's office, and
30 representatives from the Department of Social Services. The internal committee may invite other service provider organizations as
31 deemed necessary. The department is authorized to provide reasonable compensation for board-certified child abuse pediatricians
32 serving on an internal committee. Internal committees shall have access to information and records maintained by a provider of
33 medical care regarding a child whose death is being reviewed by the internal committee, including information on prenatal care; all
34 information and records maintained by any state, county, or local government agency, including, but not limited to, birth
35 certificates, law enforcement investigation data, county coroner or medical examiner investigation data, parole and probation
36 information and records, and information and records of health agencies that provided services to the child or family. The

1 meetings, information obtained by, reports prepared by, and statements made before the internal committees are confidential and
2 protected from disclosure pursuant to the Freedom of Information Act, criminal and civil proceedings, and subpoenas as set forth in
3 Sections 63-7-940 and 63-7-1990.

4 **38.25.** (DSS: Tuition Reimbursement/Student Loan Repayment) The Department of Social Services is allowed to spend state,
5 federal, and other sources of revenue to provide tuition reimbursement and/or student loan repayment to aid in retaining
6 caseworkers and critical needs department jobs based on objective guidelines established by the State Director of the Department
7 of Social Services.

8 The department may also provide paid educational leave for any employees in an FTE position to attend class while enrolled in
9 programs that are related to the agency's mission. All such leave is at the agency head's discretion.

10 The department may enter into an agreement with staff employed in critical need departments to repay them for their outstanding
11 student loans and/or reimburse tuition expenses. The employee must be employed in a critical needs area, which would be
12 identified at the agency head's discretion, be in a covered FTE, and not have any disciplinary actions. Participants in this program
13 must agree to remain at the department for a period of five years. The department may pay these employees up to \$7,500 each year
14 over a five-year period in accordance with a program developed by the department. Payments will be made directly to the
15 employee at the end of each year of employment. Payments cannot exceed the balance of the student loan or the cost of tuition.

16 **38.26.** (DSS: Federally Certified Child Support Enforcement System Project) In order to expedite the completion and
17 certification of the Automated Child Support Enforcement System required by the Social Security Act (42 U.S.C. Section 654a),
18 the Department of Social Services is authorized to adopt, to the fullest extent possible, the system and operating procedures of the
19 Delaware Transfer System. To the extent the Transfer System operating processes deviate from, or are incompatible with, current
20 South Carolina practice, the department is authorized to determine the most effective and efficient practice to comply with federal
21 requirements. The department shall work with Clerks of Court to identify and prepare for the changes involved in the
22 implementation of the Transfer System which may impact their current operating practices with regards to performance of required
23 child support functions. Pursuant to the Social Security Act and S.C. Code Section 63-17-610, Clerks of Court shall utilize the
24 federally certifiable child support system and the state disbursement unit developed by the department to perform required child
25 support functions.

26 **38.27.** (DSS: Wilderness Therapeutic Camps) The Department of Social Services shall make and promulgate such rules and
27 regulations relating to licensing standards and other matters as may be necessary to carry out the purposes of Title 63, Chapter 11,
28 Article 1 of the 1976 Code as applied to Wilderness Therapeutic Camps. For this purpose, a "Wilderness Therapeutic Camp" is a
29 therapeutic camp organization or facility with an outdoor or wilderness focus that is engaged in receiving children for care and
30 maintenance, either part or full time, but shall not include any summer camp, day camp, or after school program, and shall also not
31 include any other outdoor education or youth development program or facility where participants usually attend for less than 15
32 days, and does not include any licensed residential group care organization, child caring institution or group home or facility that
33 meets the facility requirements of S.C. Code of Regulations Section 114-590.

34 **38.28.** (DSS: Group Home Transition) For the current fiscal year, the Department of Social Services shall provide financial and
35 administrative support and flexibility to Group Homes in order to best enable any necessary transition of services or the
36 development of new service models for children and young adults. Group Homes with young adults between the ages of 18 to 23

1 years residing in approved and supervised independent living programs shall not be required to provide 24 hours per day face to
2 face supervision for the resident. Regulatory and contractual requirements must not be different for supervision and staff ratios
3 when a young adult aged 18 to 23 is a resident in an approved and supervised independent living program.
4

5 **SECTION 39 - L240 - COMMISSION FOR THE BLIND**

6

7 **39.1.** (BLIND: Matching Federal Funds) For the current fiscal year the amount appropriated in this section under Program II
8 for Rehabilitative Services is conditioned upon matching by federal funds to the maximum amount available under the Federal
9 Vocational Rehabilitation Program.
10

11 **SECTION 42 - L320 - HOUSING FINANCE AND DEVELOPMENT AUTHORITY**

12

13 **42.1.** (HFDA: Federal Rental Assistance Administrative Fee Carry Forward) All federal rental assistance administrative fees
14 shall be carried forward to the current fiscal year for use by the authority in the administration of the federal programs under
15 contract with the authority.

16 **42.2.** (HFDA: Program Expenses Carry Forward) For the prior fiscal year monies withdrawn from the authority's various
17 bond-financed trust indentures and resolutions, which monies are deposited with the State Treasurer to pay program expenses, may
18 be carried forward by the authority into the current fiscal year.

19 **42.3.** (HFDA: Advisory Committee Mileage Reimbursement) Members of the nine member South Carolina Housing Trust
20 Fund Advisory Committee are eligible for mileage reimbursement at the rate allowed for state employees as established in Proviso
21 117.20(J) (Travel-Subsistence Expenses & Mileage) in this act.

22 **42.4.** (HFDA: Allocation of Indirect Cost Recoveries) The authority shall deposit in the state general fund indirect cost
23 recoveries for the authority's portion of the Statewide Central Services Cost Allocation
24 Plan (SWCAP). The authority shall retain recoveries in excess of the SWCAP amount to be deposited in the state general fund.

25 **42.5.** (HFDA: Housing Trust Fund Disaster Initiative) Funds allocated, granted, or awarded under the Housing Trust Fund's
26 Disaster Initiative shall not be included when calculating the percentage of trust fund expenditures per county.
27

28 **SECTION 43 - P120 - FORESTRY COMMISSION**

29

30 **43.1.** (FC: Grant Funds Carry Forward) The Forestry Commission is authorized to use unexpended federal grant funds in the
31 current year to pay for expenditures incurred in the prior year.

32 **43.2.** (FC: Retention of Emergency Expenditure Refunds) The Forestry Commission is authorized to retain all funds received
33 as reimbursement of expenditures from other state or federal agencies when personnel and equipment are mobilized due to
34 an emergency.

1 **43.3.** (FC: Commissioned Officers' Physicals) The Forestry Commission is authorized to pay the cost of physical
2 examinations for agency personnel who are required to receive such physical examinations prior to receiving a law enforcement
3 commission.

4 **43.4.** (FC: Compensatory Payment) In the event a State of Emergency is declared by the Governor, exempt employees of the
5 Forestry Commission may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the agency
6 director, and providing funds are available.
7

8 **SECTION 44 - P160 - DEPARTMENT OF AGRICULTURE** 9

10 **44.1.** (AGRI: Market Bulletin) The Market Bulletin shall be mailed only to those persons who request it in writing and a
11 record of each request shall be maintained by the department. Provided further, that the Department of Agriculture is authorized to
12 charge a yearly subscription fee to each person requesting the bulletin and may charge for classified advertisements printed in the
13 bulletin. The funds collected pursuant to this provision shall be retained by the department to defray the costs of publication and
14 related incidental expenses.

15 **44.2.** (AGRI: Fruit/Vegetable Inspectors Subsistence) A daily subsistence allowance of up to \$30.00 may be allowed for
16 temporarily employed fruits and vegetables inspectors from funds generated by fruits and vegetables inspection fees and budgeted
17 under other funds in Program IV. Marketing Services, D. Inspection Services, in lieu of reimbursements for meals and lodging
18 expense.

19 **44.3.** (AGRI: Warehouse Receipts Guaranty Fund) The Department of Agriculture may retain and expend fifty thousand
20 dollars from the Warehouse Receipts Guaranty Fund established by Section 39-22-150 of the 1976 Code as is necessary for the
21 department to administer the funding of the program.

22 **44.4.** (AGRI: Weights & Measures Registration) All servicepersons required to be registered with the Department of
23 Agriculture pursuant to the provisions of Section 39-9-65 of the 1976 Code shall pay to the department a registration fee of \$25.00.
24 Revenues generated by this provision shall be for use by the Department of Agriculture to offset expenses incurred in
25 administering this registration program.

26 **44.5.** (AGRI: Sale of Property Revenue) The department may retain revenues associated with the sale of the property titled to
27 or utilized by the department, except for the State Farmers Market property, and must expend these funds on capital improvements
28 approved by the Joint Bond Review Committee and the State Fiscal Accountability Authority. The department must continue to
29 occupy any property until replacement capital improvements are completed.

30 **44.6.** (AGRI: Export Certification) The Department of Agriculture is allowed to charge up to \$250 for each export
31 certification of agricultural products and to retain revenues to offset expenses incurred in performing certifications.

32 **44.7.** (AGRI: Feed Label Registration) The Department of Agriculture is authorized to require the annual registration of feed
33 labels by manufacturers and to charge a fee of \$15.00 for such registrations. Revenues generated by these fees shall be retained
34 and used by the department to offset expenses incurred in operating the Feed Inspection Program.

35 **44.8.** (AGRI: Statewide Agribusiness Infrastructure) In order to encourage and facilitate economic development in the
36 agribusiness industry, funds appropriated for Statewide Agribusiness Infrastructure shall be used by the Department of Agriculture

(department) to encourage competitive agribusiness projects and industry to locate in South Carolina. The Commissioner of the department shall bring eligible proposals for Statewide Agribusiness Infrastructure grant awards before the Coordinating Council for Economic Development (council), and grant awards must be approved by a majority vote of the council.

The purpose of the Statewide Agribusiness Infrastructure grant funds shall be to provide financial assistance for recruiting competitive agribusiness projects and industry to South Carolina. Funds shall be utilized for infrastructure and other economic development activities including but not limited to:

(1) Improvements to regionally planned public and private water and sewer systems;

(2) Improvements to both public and private electricity, natural gas, and telecommunications systems including, but not limited to, an electric cooperative, electrical utility, or electric supplier described in Chapter 27, Title 58;

(3) Fixed transportation facilities including highway, rail, water and air;

(4) Site preparation; and,

(5) Acquiring or improving real property.

Criteria for the selection of eligible projects shall include the creditworthiness of the business, the number, type, and quality of new jobs to be provided by the project to residents of this State, and the economic viability of the business. At the beginning of each fiscal year, the department shall specify the criteria for the selection of eligible projects and set forth the process for submitting a project, as well as any deadlines that must be met for consideration in that fiscal year.

The department shall request the materials and make the inquiries necessary to: (1) determine whether the business and its proposed project satisfy the department's announced criteria; (2) conduct an adequate cost/benefit analysis with respect to the proposed project and incentives. The Commissioner shall be required to present the cost/benefit analysis to the council, and the council may request any additional materials necessary to make a well-reasoned decision.

On or before June 30th of the current fiscal year, the department must provide a report to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor detailing the grant recipient(s), a general description of the scope of work, grant amount, projected new jobs created, and the projected capital investment.

Within a reasonable amount of time after the award has been granted, the council may require a grant awardee to provide documentation that it met the projected numbers of new jobs created and capital investment. If the awarded has failed to meet projections for new jobs created or capital investment, the council may require that the business awarded the grant repay an amount that is proportional to the projected new job and capital investment targets that the recipient failed to meet.

SECTION 45 - P200 - CLEMSON UNIVERSITY - PSA

45.1. (CU-PSA: Phytosanitary Certificates) Revenues collected from the issuance of phytosanitary certificates shall be retained by the Division of Regulatory and Public Service for the purpose of carrying out phytosanitary inspections.

45.2. (CU-PSA: Witness Fee) The Public Service Activities of Clemson University are hereby authorized to charge a witness fee of \$100.00 per hour up to \$400.00 per day for each employee testifying as an expert witness in civil matters which do not involve the State as a party in interest. This fee shall be charged in addition to any court prescribed payment due as compensation or reimbursement for judicial appearances and deposited into a designated revenue account.

1 **45.3.** (CU-PSA: Nursery/Nursery Dealer Registration Fee) The Division of Regulatory and Public Service Programs is
2 authorized to retain up to \$92,000 of revenue collected from the issuance of Nursery/Nursery Dealer Fees for the purpose of
3 carrying out nursery/nursery dealer inspections. Revenue collected from this fee above \$92,000 shall be deposited into the general
4 fund.

5 **45.4.** (CU-PSA: Retention of Fees) All revenues collected from the regulatory programs of agrichemical, plant industry and
6 crop protection including: fertilizer, lime, and soil amendments registration fees; pesticide licensing fees; seed certification fees;
7 and fertilizer tax/inspection fees must be retained by Clemson University PSA regulatory programs.

8 **45.5.** (CU-PSA: Pesticide Registration) All revenues collected from pesticide registration fees and revenue collected from
9 structural pest control businesses for business licensing must be retained by Clemson University PSA Regulatory and Public
10 Service Programs to support general regulatory, enforcement, and education programs and to carry out provisions of the South
11 Carolina Pesticide Control Act and regulations related to it.

12 **45.6.** (CU-PSA: Lime Inspection Fee) The Public Service Activities of Clemson University are hereby authorized to charge an
13 inspection fee of \$0.50 per ton on Agricultural Liming Materials sold or distributed in this state. Clemson University-PSA may
14 retain, expend, and carry forward these funds to maintain its programs.

15 **45.7.** (CU-PSA: Livestock-Poultry Health Programs) For the current fiscal year Clemson University Public Service Activities
16 shall maintain operation of the state Meat Inspection Program. All revenues and recoveries from USDA Food Safety Inspection
17 Services and from USDA Animal and Plant Health Inspection Services for Clemson University PSA's Livestock-Poultry Health
18 Programs and its departments shall be retained by Clemson University-PSA's Livestock-Poultry Health Program for purposes of
19 carrying out the operation of its programs.

20 **45.8.** (CU-PSA: Boll Weevil Eradication) For the current fiscal year Clemson University Public Services Activities shall
21 maintain operation of the Boll Weevil Eradication Program. In the calculation of any across-the-board budget reduction mandated
22 by the Executive Budget Office or the General Assembly, the amount appropriated for the Boll Weevil Eradication Program shall
23 be excluded from Clemson PSA's base budget. In the event of such a reduction Clemson PSA may reduce the amount of funds
24 appropriated for this program by an amount not to exceed the percentage associated with the mandated reduction.

25 **45.9.** (CU-PSA: Landplaster Inspection Fee) For the purpose of regulating its use as applied to land for crop production,
26 landplaster (gypsum), shall be defined as a product consisting chiefly of calcium sulfate with two combined water ($\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$)
27 and is incapable of neutralizing soil acidity. It shall contain not less than seventy percent $\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$. All registrants of
28 landplaster who sell or distribute in this state that previously were required to pay an inspection fee of \$1.50 per ton shall now pay
29 to Clemson University Regulatory Services an inspection fee of fifty cents for each ton sold. Clemson University-PSA may retain,
30 expend, and carry forward these funds from the prior fiscal year into the current fiscal year to maintain its programs.

31 32 **SECTION 47 - P240 - DEPARTMENT OF NATURAL RESOURCES** 33

34 **47.1.** (DNR: Publications Revenue) For the current fiscal year all revenue generated from the sale of the "South Carolina
35 Wildlife" magazine, its by-products and other publications, shall be retained by the department and used to support the production
36 of same in order for the magazine to be self-sustaining. In addition, the department is authorized to sell advertising in the

1 magazine and to increase the magazine's subscription rate, if necessary, to be self-sustaining. No general funds may be used for
2 the operation and support of the "South Carolina Wildlife" magazine.

3 **47.2.** (DNR: Casual Sales Tax Collection) The Department of Natural Resources shall continue to collect the casual sales tax
4 as contained in the contractual agreement between the Department of Revenue and the Department of Natural Resources and the
5 State Treasurer is authorized to reimburse the department on a quarterly basis for the actual cost of collecting the casual sales tax
6 and such reimbursement shall be paid from revenues generated by the casual sales tax.

7 **47.3.** (DNR: Proportionate Funding) Each of South Carolina's forty-six soil and water conservation districts shall receive a
8 proportionate share of funding set aside for Aid to Conservation Districts at \$15,000 per district for general assistance to the
9 district's program. Available funding above \$15,000 for each district will be apportioned by the Department of Natural Resources
10 based upon local needs and priorities as determined by the board. During the fiscal year, the districts' funding may only be
11 reduced in an amount not to exceed the percentage of each agency budget reduction. No district shall receive any funds under this
12 provision unless the county or counties wherein the district is located shall have appropriated no less than three hundred dollars to
13 the district from county funds for the same purposes.

14 **47.4.** (DNR: Carry Forward - Contract for Goods & Services) If any funds accumulated by the Department of Natural
15 Resources Geology Program, under contract for the provision of goods and services not covered by the department's appropriated
16 funds, are not expended during the preceding fiscal years, such funds may be carried forward and expended for the costs associated
17 with the provision of such goods and services.

18 **47.5.** (DNR: Revenue Carry Forward) The department may collect, expend, and carry forward revenues derived from the sale
19 of goods and services in order to support aerial photography, map services, climatology data, and geological services. The
20 department shall annually report to the Senate Finance Committee and the House Ways and Means Committee the amount of
21 revenue generated from the sale of these goods and services.

22 **47.6.** (DNR: Clothing Allowance) The Department of Natural Resources is hereby authorized to provide Natural Resource
23 Enforcement Officers on special assignment with an annual clothing allowance (on a prorata basis) not to exceed \$600 per officer
24 for required clothing used in the line of duty.

25 **47.7.** (DNR: Commissioned Officers' Physicals) The department is authorized to pay for the cost of physical examinations for
26 department personnel who are required to receive such physical examinations prior to receiving a law enforcement commission.

27 **47.8.** (DNR: Cormorant Control) The Department of Natural Resources shall continue to coordinate a public Cormorant
28 control program with the US Fish and Wildlife Service for Lake Marion and Moultrie. The department shall try to coordinate with
29 the Army Corp of Engineers, Santee Cooper, and the USFWS to include waters above and below each spillway, Wildlife
30 Management Areas, and national refuges. The department shall assess the need to expand the program to other public waters and
31 implement a plan if warranted. If the USFWS allows continuation of the control program, the department shall establish an online
32 method of permitting.

33 **47.9.** (DNR: Web Services and Technology Development) The department may carry forward any unexpended general fund
34 balance remaining on the Other Operating Expenses line, identified in the "Web Services and Technology Development" program
35 of the department appropriations from Part IA in this Act. Balances carried forward from the prior fiscal year are only authorized
36 to be expended to support technology operating expenses within the department.

1 **47.10.** (DNR: Predator Control Program) Of the funds authorized and appropriated in this Act, the Department of Natural
2 Resources is directed to develop and implement a coyote tagging and reward program within this state. They must tag and release
3 four coyotes in each of the four game zones and apply a reward of a complimentary lifetime hunting license per tagged coyote to
4 the hunter/trapper, or his designee.

5 **47.11.** (DNR: Triploid Grass Carp) For Fiscal Year ~~2017-18~~ 2018-19, no water recreation funds or any other funding source
6 may be used to fund the stocking of triploid grass carp on Lake Marion and Lake Moultrie.
7

8 **SECTION 48 - P260 - SEA GRANT CONSORTIUM** 9

10 **48.1.** (SGC: Publications Revenue) Funds generated by the sale of pamphlets, books, and other promotional materials, the
11 production of which has been paid for by non-state funding, may be deposited in a special account by the consortium and utilized
12 as other funds for the purchase of additional pamphlets, books, and other promotional materials for distribution to the public.
13

14 **SECTION 49 - P280 - DEPARTMENT OF PARKS, RECREATION AND TOURISM** 15

16 **49.1.** (PRT: Tourism and Promotion) The funds appropriated in this act for Regional Promotions shall be distributed equally
17 to the eleven Regional Tourism groups, except that the Grandstrand Tourism Region's funds shall be divided, with \$50,000
18 distributed to the Myrtle Beach Chamber of Commerce, \$115,000 distributed to the Georgetown Chamber of Commerce, \$30,000
19 distributed to the City of Georgetown, and \$30,000 distributed to the Williamsburg Chamber of Commerce for tourism related
20 activities. The Myrtle Beach Chamber of Commerce and the Georgetown Chamber of Commerce shall submit a report to the
21 Senate Finance Committee and the House Ways and Means Committee by December first each year describing how these funds
22 were expended in the prior fiscal year.

23 **49.2.** (PRT: Destination Specific Tourism Marketing) The minimum grant awarded by the Destination Specific Tourism
24 Program shall be \$250,000. Each state dollar must be matched with two dollars of private funds. An organization receiving a state
25 grant must certify that, as of the date of the application: (i) the private funds are new dollars specifically designated for the purpose
26 of matching state funds; (ii) the private funds have not been previously allocated or designated for tourism-related destination
27 marketing; (iii) the organization has on hand or has an approved line of credit of not less than the amount of private funds needed
28 to provide the required match. Organizations applying for a grant must include in the grant application, information on how the
29 organization proposes to measure the success of the marketing and public relations program, including the estimated return on
30 investment to the state. Promotional programs proposed by an applicant must be based on research-based outcomes. Grants must
31 be made only to organizations that have a proven record of success in creating and sustaining new and repeat visitation to its area
32 and must have sufficient resources to create, plan, implement, and measure the marketing and promotional efforts undertaken as a
33 part of the program. The department must award a grant only to one qualified destination marketing organization within their
34 tourism region where the organization's private funds are raised. An organization receiving a grant must use the public and private
35 funds only for the purpose of destination specific marketing and public relations designed to target international and/or domestic
36 travelers outside the state to destinations within the state. All grants that qualify under the program must be funded if funds are

1 available. Funding of all qualified grants will be on a first come first served basis with such basis retained throughout the term of
2 this proviso. No organization shall receive in the first quarter more than fifty percent of the state dollars allocated to the program.
3 If by the end of the third quarter matching funds are still available with no other organizations meeting the criteria for funding, the
4 funds will be distributed to the organization or organizations that have and can meet all of the requirements of this proviso. Grant
5 recipients shall provide an annual report by November first, to the Chairmen of the Senate Finance Committee and the House Ways
6 and Means Committee and the director of the Department of Parks, Recreation and Tourism on the expenditure of the grants funds
7 and on the proposed outcome measures.

8 **49.3.** (PRT: Advertising Funds Carry Forward) The Department of Parks, Recreation and Tourism may carry forward any
9 unexpended funds appropriated on the Advertising line within Program II. A. Tourism Sales and Marketing from the prior fiscal
10 year into the current fiscal year to be used for the same purposes which include the Tourism Partnership Fund, Destination Specific
11 Marketing Grants and the agency advertising fund.

12 **49.4.** (PRT: Film Marketing) From the funds authorized to the Department of Parks, Recreation and Tourism in Section 49,
13 Part IA of this Act for the South Carolina Film Commission, the department may use the film marketing funds for the following
14 purposes: (1) to allow for assistance with recruitment and infrastructure development of the film industry; (2) to develop a film
15 crew base; (3) to develop ally support in the film industry; (4) marketing and special events; and (5) to allow for assistance with the
16 auditing and legal service expenses associated with the Motion Picture Incentive Act.

17 **49.5.** (PRT: Motion Picture Administration Application Fee) The Department of Parks, Recreation and Tourism may charge
18 an application fee for the Motion Picture Incentive programs and may retain and expend these funds for the purposes of meeting
19 administrative, data collection, credit analysis, cost-benefit analysis, reporting and auditing, and other statutory obligations. A fee
20 schedule must be established and approved by the Director of the Department of Parks, Recreation and Tourism.

21 **49.6.** (PRT: Gift Shops) At the discretion of the Department of Parks, Recreation and Tourism, the State House Gift Shop may
22 close on weekends.

23 **49.7.** (PRT: PARD Interest) The department is hereby prohibited from utilizing the interest generated in the PARD program
24 for anything other than the uses authorized by the law creating PARD. Should the PARD account not reach the required amount of
25 \$920,000 to activate the minimum \$20,000 per county distribution, the department shall carry forward the funding until such time
26 as the funds are sufficient to distribute as originally intended.

27 **49.8.** (PRT: Wage and Supplier Rebate Funds) From the funds set aside pursuant to the Motion Picture Incentive Act, any
28 funds committed to film projects shall be carried forward from the prior fiscal year and used for the same purpose. Any
29 uncommitted funds shall be carried forward from the prior fiscal year and may be used by the department for the same purpose,
30 deferred maintenance and capital projects at state parks and Welcome Centers, and for Marketing/Advertising. Prior to the funds
31 being utilized for the state's Welcome Centers the funds shall be placed in a separate and distinct fund prior to July thirtieth of the
32 current fiscal year and the interest accrued by the fund must remain in the fund. Of the funds placed into the separate and distinct
33 fund in the current fiscal year, up to ten percent may be utilized for operating costs directly related to the Welcome Centers. These
34 funds shall be carried forward from the prior fiscal year into the current fiscal year and be expended for the same purpose.

1 **49.9.** (PRT: Funds Exempt from Budget Cut) In the calculation of any across the board cut mandated by the Executive Budget
2 Office or the General Assembly, any amounts appropriated for pass through, special items, or other items specified in any general
3 proviso, which are exempt from reduction, shall be excluded from the Department of Parks, Recreation and Tourism's base budget.

4 **49.10.** (PRT: PARD) The Department of Parks, Recreation, and Tourism shall be authorized to expend restricted funds for the
5 Parks and Recreation Development Fund (PARD) in accordance with the Section 51-23-20 of the 1976 Code, Regulations, and
6 generally accepted accounting standards. The department is allowed to reimburse PARD grantees from current year funds for prior
7 year expenditures for a period of three years as allowed in Section 51-23-30 of the 1976 Code.

8 **49.11.** (PRT: Admission Fees and Charges) The department may impose reasonable fees and charges for admission to and/or
9 use of park and recreational facilities and the revenues from such fees and charges must be used for park and recreational uses.

10 **49.12.** (PRT: Vending Services) The State Park Service, an office within the Department of Parks, Recreation, and Tourism
11 shall be granted an exemption requiring the State Park Service to use the Commission for the Blind for vending services. All
12 revenues earned by vending and retail operations at the State Parks shall be retained by the department to support the operational
13 costs of the South Carolina State Parks. These funds may be carried forward from the prior fiscal year and must be used for the
14 same purpose. This exemption does not apply to vending services at the State Welcome Centers.

15 **49.13.** (PRT: State Funded Grant Programs) Any unexpended general funds appropriated for the PARD Grants, Undiscovered
16 SC, and Sports Marketing Grants Programs shall be carried forward from the prior fiscal year into the current fiscal year and used
17 for the same purpose.

18 **49.14.** (PRT: Beach Access) Of the funds appropriated for state parks, the department shall utilize such funds to open
19 pedestrian, non-motorized vehicular and golf cart ingress and egress to Myrtle Beach State Park at the intersection of US Highway
20 17 and Center South Road in Myrtle Beach, and/or at other location(s) which legally and safely affords such ingress and egress.
21 Said access shall be subject to the rules and regulations of the department governing uniform closure of park ingress during periods
22 of peak usage.

23 **49.15.** (PRT: SC Film Office Rebate Funds) From the funds authorized pursuant to the Motion Picture Incentive Act, any
24 rebates awarded by the SC Film Office may be paid without distinction of the source of funds.

25 ***49.16.** (PRT: Welcome Center Complex Mowing) *Of the funds appropriated for State Welcome Centers, the department is*
26 *directed to ensure that at every Welcome Center complex, the outer edge of the pavement of the adjacent highway, the highway*
27 *control of access right of way line, and all boundaries surrounding the complex must be mowed in a manner to ensure that the*
28 *entirety of the grounds are uniform in appearance.*

29 ***49.17.** (PRT: Horry County Museum) *The 3:1 match requirement associated with the appropriation of \$250,000*
30 *non-recurring funds through the Department of Parks, Recreation and Tourism for the City of Conway - Renovation of Horry*
31 *County Museum for Multipurpose Space (Requires 3:1 Match) in Act 91 of 2015 by proviso 118.14(B)(41)(o) shall be amended*
32 *to require a 1:1 match.*
33

SECTION 50 - P320 - DEPARTMENT OF COMMERCE

50.1. (CMRC: Development - Publications Revenue) The proceeds from the sale of publications may be retained in the agency's printing, binding, and advertising account to offset increased costs.

50.2. (CMRC: Economic Dev. Coordinating Council - Set Aside Fund) From the amount set aside in Section 12-28-2910, the council is authorized to use up to ten percent of such amount for actual operating expenses in support of administrative program costs and business recruitment and retention and up to \$60,000 to support the Geographic Information Systems (GIS) program, as approved by council. Any balance on June thirtieth of the prior fiscal year may be carried forward and expended for the same purposes in the current fiscal year.

50.3. (CMRC: Coordinating Council Funds) In order to provide maximum flexibility to encourage the creation of new jobs and capital investment, the Coordinating Council for Economic Development has the authority to transfer economic development funds at its disposal to the Closing Fund, provided the transfer is approved by a majority vote of the Coordinating Council members in a public meeting. Any unexpended balance on June thirtieth, of the prior fiscal year may be carried forward and expended in the current fiscal year by the Department of Commerce for the same purpose.

50.4. (CMRC: Export Trade Show Funds) Funds collected from South Carolina companies for offsetting costs associated with participation in future trade shows may be carried forward from the prior fiscal year to the current fiscal year and used for that purpose.

50.5. (CMRC: Special Events Advisory Committee) The Department of Commerce is required to establish a Special Events Advisory Committee to provide oversight to the department as it relates to the department's Special Events Fund. The Advisory Committee shall be made up of contributors to the Fund appointed by the Secretary of Commerce and shall consist of no fewer than eight members, including a chairman. The Advisory Committee shall establish guidelines for the use of these funds. The Department of Commerce shall prepare a detailed report and have an independent audit of all expenditures of the fund during the previous calendar year. None of these funds shall be used for operating expenses. The report shall be submitted to the Governor, the Speaker of the House, the President Pro Tempore of the Senate, the Chairman of the House Ways and Means Committee, and Chairman of the Senate Finance Committee.

50.6. (CMRC: Development-Rental Revenue) Revenue received from the sublease on non-state-owned office space may be retained and expended to offset the cost of the department's leased office space.

50.7. (CMRC: Development-Ad Sales Revenue) The department may charge a fee for ad sales in department authorized publications and may use these fees to offset the cost of printing and production of the publications. Any revenue generated above the actual cost shall be remitted to the General Fund.

50.8. (CMRC: Foreign Offices) The Secretary of Commerce shall be authorized to appoint the staff of the department's foreign offices on a contractual basis on such terms as the Secretary deems appropriate, subject to review by the Department of Administration.

50.9. (CMRC: Funding For I-73) Of the funds authorized for the Coordinating Council Economic Development, \$500,000 shall be made available for the routing, planning and construction of I-73.

50.10. (CMRC: Closing Fund) In order to encourage and facilitate economic development, funds appropriated for the Closing Fund for competitive recruitment purposes shall be used as approved by the Coordinating Council for Economic Development. Any unexpended at the end of the prior fiscal year may be carried forward and expended in the current fiscal year by the Department of Commerce for the same purposes.

50.11. (CMRC: Coordinating Council - Application Fee Deposits) Application fees received by the department must be deposited within five business days from the Coordinating Council application approval date.

50.12. (CMRC: Recycling Advisory Council Reporting) The Recycling Market Development Advisory Council must submit an annual report outlining recycling activities to the Governor and members of the General Assembly by March fifteenth each year.

50.13. (CMRC: Regional Economic Development Organizations) The Department of Commerce shall utilize \$5,000,000 appropriated in Fiscal Year ~~2017-18~~ 2018-19 for Regional Economic Development Organizations to provide funds to the following economic development organizations and must be disbursed as follows:

- (1) Upstate Alliance \$ 750,000;
- (2) Central SC Economic Development Alliance \$ 750,000;
- (3) North Eastern Strategic Alliance (NESA) \$ 745,000;
- (4) Charleston Regional Development Alliance \$ 660,000;
- (5) I-77 Alliance \$ 600,000;
- (6) Economic Development Partnership \$ 450,000;
- (7) Southern Carolina Alliance \$ 460,000; and
- (8) The LINK Economic Alliance \$ 385,000.

Each dollar of state funds must be matched with one dollar of private funds. The organization receiving state funds must certify that the private funds are new dollars specifically designated for the purpose of matching state funds and have not been previously allocated or designated for economic development. No funds appropriated in this proviso may be used for routine operating costs of the organization as defined by the Department of Commerce.

The remaining \$200,000 shall be provided to counties as follows, provided they meet the requirements established above:

- (1) Beaufort County \$ 140,000; and
- (2) Lancaster County \$ 60,000.

Upon receipt of the request for the funds and certification of the matching funds, the Department of Commerce shall disburse the funds to the requesting organization.

Funds recipients shall provide an annual report by November first, to the Chairmen of the Senate Finance Committee and the House Ways and Means Committee and the Secretary of Commerce on the expenditure of the funds and on the outcome measures.

Any unexpended, unallocated, or undistributed funds appropriated in prior fiscal years for Regional Economic Development Organizations shall first be made available to Regional Economic Development Organizations and any remainder shall be transferred to the Rural Infrastructure Fund at the Department of Commerce. If more than one alliance applies for the same funds, the funds will be distributed pro-rata.

50.14. (CMRC: SC Mfg Extension Partnership) No funds appropriated to the department that are designated for the SC Manufacturing Extension Partnership may be utilized to compensate employees or individuals who engage in lobbying services on

1 behalf of the department or the partnership. In addition, the department shall prepare an annual report on the SC Manufacturing
2 Extension Partnership's expenditures for the prior fiscal year and shall submit the report to the Chairman of the Senate Finance
3 Committee and the Chairman of the House Ways and Means Committee by November first.

4 **50.15.** (CMRC: Business Incubator/Innovation Program) Any funds appropriated to the department for the Business
5 Incubator/Innovation Program shall be used for eligible projects that address one or more of the goals in the South Carolina
6 Innovation Plan and any investments must be accompanied by a dollar-for-dollar match from non-state appropriated funds. Up to
7 \$300,000 may be used by the department for administrative costs associated with this program.

8 **50.16.** (CMRC: Council on Competitiveness) The Department of Commerce shall utilize the funds appropriated in the current
9 fiscal year for the South Carolina Council on Competitiveness to provide funds for existing business economic development
10 activities. Each dollar of state funds disbursed must be matched equally with non-state appropriated funds and prior to the
11 disbursement of funds, the Council on Competitiveness must certify that these funds are new dollars specifically designated for the
12 purpose of matching state funds and have not been previously allocated or designated for economic development. The Council on
13 Competitiveness shall provide a report on the expenditure of the funds and on the outcome measures by January first, to the
14 Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee and the Secretary of
15 Commerce.

16 **50.17.** (CMRC: Grant Funds Carry Forward) The Department of Commerce may carry forward any unexpended balance on
17 June thirtieth of the prior fiscal year of grant funds appropriated and/or authorized for Innovation, Research/Applied Research
18 Centers, SCOPE, and LocateSC and expend such funds in the current fiscal year for the same purpose.

19 **50.18.** (CMRC: Road Closures Related to Navy Base Intermodal Facility) The Division of Public Railways is authorized to
20 close any street or road on or in the vicinity of the former Charleston Navy Base to the extent necessary to implement the Navy
21 Base Intermodal Facility. Such closure shall not deny access to any property owners abutting the closed section of the street or
22 road, or in the event access is denied, alternate access shall be provided.

23 **50.19.** (CMRC: *Funding For Rail Infrastructure*) Of the funds appropriated for the Coordinating Council for Economic
24 Development under Section 12-10-85(B), the Secretary of Commerce may utilize these funds toward state-owned rail infrastructure
25 projects.

26 27 **SECTION 51 -P340 - JOBS-ECONOMIC DEVELOPMENT AUTHORITY**

28
29 **51.1.** (JEDA: Bonds Interest Rates) Pursuant to Sections 41-43-100 and 41-43-110(A) of the 1976 Code, the interest rate of
30 bonds issued by the authority are not subject to approval by the State Fiscal Accountability Authority.

31 32 **SECTION 52 - P360 - PATRIOTS POINT DEVELOPMENT AUTHORITY**

33
34 **52.1.** (PPDA: USS Laffey Overnight Stays) From the funds authorized or appropriated to Patriots Point Development
35 Authority as "other operating expenses" members of the USS Laffey Association who are temporarily present at Patriots Point to

perform voluntary maintenance on the USS Laffey may remain onboard the vessel overnight if the Executive Director approves and has deemed it safe to do so.

SECTION 53 - P400 - S.C. CONSERVATION BANK

53.1. (CB: Conservation Bank Trust Fund) For Fiscal Year ~~2017-18~~ 2018-19, the provisions of Section 12-24-95 of the 1976 Code are suspended.

53.2. *(CB: Pittman-Robertson Funds State Match) From the funds authorized for the South Carolina Conservation Bank and upon receipt of an application pursuant to Section 48-59-70 of the 1976 Code, the Conservation Bank Board must award a grant of \$2,000,000 to the Department of Natural Resources to be used as the state match for Pittman-Robertson Wildlife Restoration Funds.*

53.3. *(CB: North American Wetlands Conservation Act State Match) From the funds authorized for the South Carolina Conservation Bank and upon receipt of an application pursuant to Section 48-59-70 of the 1976 Code, the Conservation Bank Board must award a grant of \$1,000,000 to the Department of Natural Resources to be used as the state match for the North American Conservation Act or other eligible purposes as described in the application.*

SECTION 54 - P450 - RURAL INFRASTRUCTURE AUTHORITY

54.1. (RIA: Rural Infrastructure Fund Carry Forward) The Rural Infrastructure Authority may carry forward from the prior fiscal year into the current fiscal year, funds appropriated to the Rural Infrastructure Fund. The authority shall retain any unexpended funds at the close of the fiscal year and these funds shall be carried forward from the prior fiscal year into the current fiscal year.

54.2. (RIA: Carry Forward - Local Government Assistance) The Rural Infrastructure Authority may carry forward from prior fiscal years to the current fiscal year funds appropriated for the purpose of providing financial assistance and for matching federal funds for financial assistance to local governments with water, wastewater, and sewer projects.

54.3. (RIA: Carry Forward Calculation) For purposes of calculating the amount of funds which may be carried forward by the Rural Infrastructure Authority, grant and loan program funds carried forward by the Office of Local Government shall be excluded from the calculation of the carry forward authorized by provision elsewhere in this act.

54.4. (RIA: State Water Pollution Control Revolving Fund) In the event that any state funds remain after fully matching federal grants for the State Revolving Funds under the Clean Water Act or Safe Drinking Water Act, such funds may be deposited into the South Carolina Infrastructure Revolving Loan Fund established pursuant to Section 11-40-50.

54.5. (RIA: Statewide Water and Sewer Fund) The Rural Infrastructure Authority shall use the funds allocated for the Statewide Water and Sewer Fund to assist qualified infrastructure projects not eligible for the Rural Infrastructure Fund. The authority shall utilize the same procedures and guidelines established for the Rural Infrastructure Fund to select qualified projects

1 for the Statewide Water and Sewer Fund. The authority may carry forward from the prior fiscal year into the current fiscal year,
2 funds appropriated to the Statewide Water and Sewer Fund.

3
4 **SECTION 57 - B040 - JUDICIAL DEPARTMENT**
5

6 **57.1.** (JUD: Prohibit County Salary Supplements) County salary supplements of Judicial Department personnel shall be
7 prohibited.

8 **57.2.** (JUD: County Offices For Judges) Every county shall provide for each circuit and family judge residing therein an office
9 with all utilities including a private telephone, and shall provide the same for Supreme Court Justices and Judges of the Court of
10 Appeals upon their request.

11 **57.3.** (JUD: Commitments to Treatment Facilities) The appropriation for continued implementation of Article 7, Chapter 17,
12 Title 44 of the 1976 Code, Chapter 24, Title 44 of the 1976 Code, and Chapter 52, Title 44 of the 1976 Code, relating to
13 commitments, admissions and discharges to mental health facilities, or treatment facility for the purpose of alcohol and drug abuse
14 treatment, shall be expended for the compensation of court appointed private examiners, guardians ad litem, and attorneys for
15 proposed patients, and related costs arising from the filing, service and copying of legal papers and the transcription of hearings or
16 testimony. Court appointed private examiners, guardians ad litem and attorneys shall be paid at such rates or schedules as are
17 jointly determined to be reasonable by the South Carolina Association of Probate Judges, the State Court Administrator, and the
18 South Carolina Department of Mental Health with the approval of the Attorney General. The Judicial Department shall notify the
19 Senate Finance Committee and the House Ways and Means Committee of any fee adjustment or change in schedule before
20 implementation.

21 **57.4.** (JUD: Judicial Commitment) Except as otherwise provided in Section 117.5, no money appropriated pursuant to Item
22 VI, Judicial Commitment shall be used to compensate any state employees appointed by the court as examiners, guardians ad
23 litem, or attorneys nor shall such funds be used in payment to any state agency for providing such services by their employees.

24 **57.5.** (JUD: Judicial Expense Allowance) Each Supreme Court Justice, Court of Appeals Judge, Family Court Judge and
25 Circuit Court Judge and any retired judge who receives payment for performing full-time judicial duties pursuant to Section
26 9-8-120 of the South Carolina Code of Laws, shall receive one thousand dollars per month as expense allowance.

27 **57.6.** (JUD: Special Judge Compensation) In the payment of funds from "Contractual Services", and "Administrative Fund",
28 that no special judge shall be paid for more than a two week term within a fiscal year except that this restriction will not apply in
29 case of an ongoing trial.

30 **57.7.** (JUD: BPI/Merit) Judicial employees shall receive base and average merit pay in the same percentages as such pay are
31 granted to classified state employees.

32 **57.8.** (JUD: Supreme Court Bar Admissions) Any funds collected from the Supreme Court Bar Admissions Office may be
33 deposited into an escrow account with the State Treasurer's Office. The department is authorized to receive, expend, retain, and
34 carry forward these funds.

35 **57.9.** (JUD: Travel Reimbursement) State employees of the Judicial Department traveling on official state business must be
36 reimbursed in accordance with Section 117.20(J) of this act.

1 **57.10.** (JUD: Interpreters) The funds appropriated in this section for “Interpreters” shall be used to offset costs associated with
2 interpreters appointed in judicial proceedings under Sections 17-1-50, 15-27-155, and 15-27-15. The selection, use, and
3 reimbursement of interpreters shall be determined under such guidelines as may be established by the Chief Justice of the Supreme
4 Court.

5 **57.11.** (JUD: Reimbursement Receipt Deposit) Amounts received as payment for reproducing, printing, and distributing copies
6 of court rules and other department documents shall be retained for use by the department.

7 **57.12.** (JUD: Surplus Property Disposal) Technology equipment that has been declared surplus may be donated directly to
8 counties for use in court-related activities.

9 **57.13.** (JUD: Judicial Carry Forward) In addition to the funds appropriated in this section, the funds appropriated for the
10 Judicial Department in the prior fiscal year which are not expended during that fiscal year may be carried forward to be expended
11 in the current fiscal year.

12 **57.14.** (JUD: Case Management Services) The Judicial Department shall retain revenue generated by charging a fee for
13 technology support services provided to users of the State case management system. These funds may be expended and carried
14 forward to offset the costs of supporting and maintaining the case management system.

15 **57.15.** (JUD: Magistrates’ Training) From the funds appropriated to the Judicial Department, the department shall provide
16 magistrates annual continuing education on domestic violence, which may include, but is not limited to:

- 17 (1) the nature, extent, and causes of domestic and family violence;
- 18 (2) issues of domestic and family violence concerning children;
- 19 (3) prevention of the use of violence by children;
- 20 (4) sensitivity to gender bias and cultural, racial, and sexual issues;
- 21 (5) the lethality of domestic and family violence;
- 22 (6) legal issues relating to domestic violence and child custody;
- 23 (7) procedures, penalties, programs, and other issues relating to criminal domestic violence, including social and
24 psychological issues relating to such violence, the vulnerability of victims and volatility of perpetrators, and the court’s role in
25 ensuring that the parties have appropriate and adequate representation;
- 26 (8) procedures and other matters relating to issuing orders of protection from domestic violence.

27 **57.16.** (JUD: Judges Salary Exemption) For the current fiscal year, judges’ salaries and related employer contributions in Part
28 IA, Section 57, are exempt from mid-year across-the-board reductions.

29 **57.17.** (JUD: Judicial Department Applicability) For purposes of this act and any other provision of law that would have any
30 effect on the expenditure of state revenue through the applicability of the particular provision or through compliance with a
31 mandate or requirement of the provision, the terms “state agency” or “agency” do not include any component of the Judicial
32 Department unless the provision of law specifically includes these entities and the inclusion only applies for purposes of the
33 particular provision.

34 **57.18.** (JUD: Court Costs Carry Forward) The Judicial Department shall retain the funds collected from costs related to court
35 proceedings (including the cost of hearings, investigations, prosecution, service of process and court reporter services) under Rules
36 413 or 502 of the SC Appellate Court Rules, or from costs related to the appointment of a receiver or an attorney to assist the

1 receiver under Rule 413, that are assessed against a party. The department is authorized to receive, expend, retain, and carry
2 forward these funds which shall be used for the same purpose.

3 **57.19.** (JUD: Appellate Court Fee) The Judicial Department shall retain the funds collected as required by the SC Appellate
4 Court Rules. The department is authorized to receive, expend, retain, and carry forward these funds which shall be used by the
5 department.

6 **57.20.** (JUD: Interpreter Training and Certification) The Judicial Department shall collect and retain funds received from
7 applicants for interpreter training and certification tests. These funds shall be used to offset expenses incurred for the SC Court
8 Interpreter Certification Program. The department is authorized to receive, expend, retain, and carry forward these funds.

9 10 **SECTION 58 - C050 - ADMINISTRATIVE LAW COURT**

11
12 **58.1.** (ALC: Copying Costs Revenue Deposit) The Administrative Law Court shall retain and expend, for the same purpose
13 for which it is generated, all revenue received during the current fiscal year as payment for printing and distributing copies of court
14 rules and other agency documents.

15 **58.2.** (ALC: County Office Space for Judges) Every county shall provide for each Administrative Law Judge residing therein,
16 upon their request, an office within the existing physical facilities if space is available, to include all utilities and a private
17 telephone. The request shall only be made provided that the judge's residence is not within fifty
18 miles of the official headquarters of the agency by which the Administrative Law Judge is employed.

19 **58.3.** (ALC: ALJ Travel) While holding court or on other official business outside the county in which he resides, within fifty
20 miles of his residence, an Administrative Law Judge is entitled to a subsistence allowance in the amount of \$35 per day plus such
21 mileage allowance for travel as is provided for other employees of the State. While holding court or on other official business at a
22 location fifty miles or more from his residence, an Administrative Law Judge is entitled to a subsistence allowance in the amount
23 as provided in this act for members of the General Assembly plus such mileage allowance for travel as is provided for other
24 employees of the State. However, notwithstanding any other provision of law, the allowance as provided shall not exceed \$8,000
25 per judge in a fiscal year.

26 27 **SECTION 59 - E200 - OFFICE OF THE ATTORNEY GENERAL**

28
29 **59.1.** (AG: Prior Year Expenditures) The Office of the Attorney General is authorized to use unexpended federal funds in the
30 current fiscal year to pay for expenditures incurred in the prior fiscal year.

31 **59.2.** (AG: Other Funds Carry Forward) Any balance of unexpended funds, not including general fund appropriations, may be
32 carried forward for the operation of the Office of Attorney General.

33 **59.3.** (AG: Reimbursement for Expenditures) The Office of the Attorney General may retain for general operating purposes,
34 any reimbursement of funds for expenses incurred in a prior fiscal year.

1 **59.4.** (AG: Donation Carry Forward) All revenue derived from donations received at the Office of the Attorney General shall
 2 be retained, carried forward, and expended according to agreement reached between the donor, or donors, and the Attorney
 3 General.

4 **59.5.** (AG: Securities Fee Revenue) After the provisions of Section 35-1-702(b) of the 1976 Code have been satisfied, and
 5 upon notification to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee
 6 that such provisions have been satisfied, the next \$20,500,000 of Securities Fee revenues collected during the current fiscal year by
 7 the Office of the Attorney General shall be remitted to the General Fund of the State. The Office of the Attorney General may
 8 retain the next \$400,000 collected and may utilize these funds for operations to include expert witness expenses, investigative
 9 costs, trial preparation, and other related expenses associated with the increase in licensed securities agents. These funds may be
 10 carried forward from the prior fiscal year into the current fiscal year and utilized for the same purpose. Remaining Securities Fee
 11 revenues collected during the current fiscal year shall be remitted to the General Fund of the State.

12 **59.6.** (AG: Savannah River Maritime Commission Funds) The Office of the Attorney General is authorized to use funds
 13 appropriated for litigation expenses related to the Savannah River Maritime Commission to reimburse litigation expenditures
 14 incurred by the Office of the Attorney General on behalf of the Savannah River Maritime Commission during the current fiscal
 15 year. Following the conclusion of these litigation matters any remaining funds shall be deposited in the General Fund.

16 **59.7.** (AG: Gang Violence Prevention/Youth Mentor) The Office of the Attorney General may expend other funds to
 17 implement and maintain gang prevention and youth mentoring programs in conjunction with Section 63-19-1430 of the 1976 Code,
 18 the Youth Mentor Act.

19 **59.8.** (AG: Litigation Recovery Account) During the current fiscal year, when there is a recovery or an award in any litigation
 20 managed by the Attorney General, any funds received that would have otherwise been credited to the General Fund shall be
 21 deposited to the credit of a special account created in the Office of State Treasurer entitled "Litigation Recovery Account." The
 22 funds deposited in this account must be expended only as prescribed by law.

23 **59.9.** (AG: Public Official Attorney Fees) The Executive Director of the State Fiscal Accountability Authority shall pay from
 24 the Insurance Reserve Fund, up to \$50,000 of opposing attorney's fees and court costs as ordered by the court in those cases in
 25 which the Attorney General defends one or more public officers in their official capacities.

26 The Attorney General must certify to the Executive Director the amount the court has ordered the Attorney General to pay for
 27 opposing attorney's fees and court costs and upon receipt of the certification, the Executive Director shall pay up to \$50,000 of the
 28 amount certified to the appropriate individual or entity. The Attorney General must report any court ordered payment
 29 of attorney's fees and court costs that exceed \$50,000 to the President Pro Tempore of the Senate, the Speaker of the House of
 30 Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee for
 31 consideration by the General Assembly.

32 33 **SECTION 60 - E210 - PROSECUTION COORDINATION COMMISSION**

34
35 **60.1.**(PCC: Solicitor Salary) The amount appropriated in this section for salaries of solicitors shall be paid to each full-time
 36 solicitor. Each full-time circuit solicitor shall earn a salary not less than each full-time circuit court judge.

1 **60.2.**(PCC: Solicitor Expense Allowance) Each solicitor shall receive five hundred dollars (\$500.00) per month as expense
2 allowance.

3 **60.3.**(PCC: Judicial Circuits State Support) The amount appropriated and authorized in this section for Judicial Circuits (16)
4 State Support shall be apportioned among the circuits. The first \$4,692,961 shall be distributed on a per capita basis based upon
5 the current official census. The next \$1,179,041 shall be distributed on a pro-rata basis. Payment shall be made as soon after the
6 beginning of each quarter as practical.

7 **60.4.**(PCC: Solicitor Carry Forward) Any unexpended balance on June thirtieth, of the prior fiscal year, may be carried forward
8 into the current fiscal year and expended for the operation of the solicitor's office relating to operational expenses.

9 **60.5.**(PCC: Solicitor's Office - County Funding Level) It is the intent of the General Assembly that the amounts appropriated
10 for solicitors' offices shall be in addition to any amounts presently being provided by the county for these services and may not be
11 used to supplant funding already allocated for such services without any additional charges. If the county reduces the amount of
12 support provided to solicitors' offices below the level provided in the prior fiscal year, the Solicitor shall notify the Chairman of
13 the Senate Finance Committee and the Chairman of the House Ways and Means Committee of the amount of such reduced support.

14 **60.6.**(PCC: Solicitors Victim/Witness Assistance Programs) When funds are available, the amount appropriated and authorized
15 in Part IA, Section 60 for Solicitors Victim/Witness Assistance Programs shall be apportioned among the circuits on a per capita
16 basis and based upon the current official census. Payment shall be made as soon after the beginning of each quarter as practical.

17 **60.7.** (PCC: CDV Prosecution) The amount appropriated and authorized in this section for Criminal Domestic Violence
18 Prosecution shall be apportioned among the circuits on a pro-rata basis. If not privileged information, the Prosecution
19 Coordination Commission shall collect and retain information and data regarding Criminal Domestic Violence Prosecution and
20 shall include: the number of dispositions, types of dispositions and county in which the disposition took place and shall provide
21 the General Assembly with an annual report no later than sixty days after the conclusion of the fiscal year.

22 **60.8.** (PCC: Establish Victim/Witness Program) The funds appropriated in this section for Victim/Witness Program must be
23 equally divided among the judicial circuits, less any adjustments made for budget reductions. The funds for each circuit must be
24 distributed to the solicitor's office of that circuit and only used by the solicitor for the purpose of establishing a Victim/Witness
25 Program in the circuit which shall provide, but not be limited to, the following services:

26 (1) Make available to victims/witnesses information concerning their cases from filing in general sessions court through
27 disposition.

28 (2) Keep the victim/witness informed of his rights and support his right to protection from intimidation.

29 (3) Inform victims/witnesses of and make appropriate referrals to available services such as medical, social, counseling, and
30 victims' compensation services.

31 (4) Assist in the preparation of victims/witnesses for court.

32 (5) Provide assistance and support to the families or survivors of victims where appropriate.

33 (6) Provide any other necessary support services to victims/witnesses such as contact with employers or creditors.

34 (7) Promote public awareness of the program and services available for crime victims.

35 The funds may not be used for other victim-related services until the above functions are provided in an adequate manner.

1 It is the intent of the General Assembly that the amounts appropriated in this section for victim assistance programs in solicitors'
 2 offices shall be in addition to any amounts presently being provided by the county for these services and may not be used to
 3 supplant funding already allocated for such services. Any reduction by any county in funding for victim assistance programs in
 4 solicitors' offices shall result in a corresponding decrease of state funds provided to the solicitors' office in that county for victim
 5 assistance services. Each solicitor's office shall submit an annual financial and programmatic report which describes the use of
 6 these funds. The report shall be submitted to the Governor, the Attorney General, the Chairman of the Senate Finance Committee,
 7 and the Chairman of the House Ways and Means Committee on October first, for the preceding fiscal year.

8 **60.9.** (PCC: DUI Prosecution) The amount appropriated and authorized in this section for Driving Under the Influence
 9 Prosecution shall be apportioned among the circuits on a pro-rata basis. If not privileged information, the Prosecution
 10 Coordination Commission shall collect and retain information and data regarding Driving Under the Influence Prosecution and
 11 shall include: the number of dispositions, types of dispositions and county in which the disposition took place and shall provide
 12 the General Assembly with an annual report no later than sixty days after the conclusion of the fiscal year.

13 **60.10.** (PCC: Violent Crime Prosecution) The amount appropriated and authorized in this section for Violent Crime
 14 Prosecution shall be apportioned pro rata among the circuits. Payment shall be made as soon after the beginning of each quarter as
 15 practical.

16 **60.11.** (PCC: Caseload Equalization Funding) The amount appropriated in this Act and authorized for Caseload Equalization
 17 will have the first \$3,450,000 distributed at an amount of \$75,000 per county. The remaining \$4,376,872 shall be distributed based
 18 upon the average incoming caseload for each county as reported by the Judicial Department for the prior three fiscal years.

19 **60.12.** (PCC: Summary Court Domestic Violence Fund Distribution) The Summary Court Domestic Violence Prosecution
 20 funding shall be distributed based upon ten percent of the average incoming caseload for each county as reported by the South
 21 Carolina Judicial Department for the prior 3 fiscal years.

22 **SECTION 61 - E230 - COMMISSION ON INDIGENT DEFENSE**

23
 24
 25 **61.1.** (INDEF: Defense of Indigents Formula) The amount appropriated in this act for "Defense of Indigents" shall be
 26 apportioned among counties in accord with Section 17-3-330 of the 1976 Code, but on a per capita basis and based upon the most
 27 current official decennial census of the United States; provided that no county shall receive funding in an amount less than the
 28 amount apportioned to it as of July 1, 2005. The level of contribution of each county as of July 1, 2001, must be maintained. No
 29 county shall be permitted to contribute less money than the amount the county contributed in the prior fiscal year. Within the
 30 amount of money established for indigent defense services, the State shall set aside \$3,000,000 (Death Penalty Trial Fund)
 31 annually for use of the defense in capital cases pursuant to Section 16-3-26 of the 1976 Code, for juveniles facing the possibility of
 32 a sentence of life without parole, and for the expenses of the operation of the Commission on Indigent Defense to include salaries
 33 and operations expenses of the Death Penalty Trial Division. The State also shall set aside \$2,500,000 annually to pay fees and
 34 expenses of private counsel appointed in noncapital cases pursuant to Section 17-3-50 (Conflict Fund). Of the funds generated
 35 from the fees imposed under Sections 14-1-206(C)(4), 14-1-207(C)(6) and 14-1-208(C)(6) and the application fee provided in
 36 Section 17-3-30(B), on a monthly basis, fifty percent must be deposited into the Death Penalty Trial Fund, fifteen percent must be

1 deposited into the Conflict Fund, and the remaining funds each month must be apportioned among the counties' public defender
2 offices pursuant to Section 17-3-330. At the end of each fiscal year any leftover funds shall carryover to the next fiscal year. All
3 applications for the payment of fees and expenses in capital cases shall be applied for from the Death Penalty Trial Fund which
4 shall be administered by the Commission on Indigent Defense. All applications for the payment of fees and expenses of private
5 counsel or expenses of public defenders pursuant to Section 17-3-50 shall be applied for from the Conflict Fund administered by
6 the Commission on Indigent Defense. Reimbursement in excess of the hourly rate and limit set forth in Section 17-3-50 is
7 authorized only if the court certifies, in a written order with specific findings of fact, prior to the fees being incurred, that
8 reimbursement in excess of the rates or limit is necessary to provide reimbursement adequate to ensure effective assistance of
9 counsel and reimbursement in excess of the limit is appropriate because the services to be provided are reasonable and necessary.
10 If prior approval by written order of the court is not obtained, no additional fees shall be paid under any circumstances.

11 Upon a finding in ex parte proceedings that investigative, expert, or other services are reasonable and necessary for the
12 representation of the defendant, the court shall authorize the defendant's attorney to obtain such services on behalf of the defendant
13 and shall authorize the payment, from funds available to the Commission on Indigent Defense, of fees and expenses not to exceed
14 five hundred dollars as the court considers appropriate. Payment in excess of the five hundred dollar limit is authorized only if the
15 court certifies, in a written order with specific findings of fact, prior to the expense being incurred, that payment in excess of the
16 limit is appropriate because the services to be provided are reasonable and necessary to provide adequate defense. Payments shall
17 be made from funds appropriated for this purpose from the Commission of Indigent Defense. If prior approval by written order of
18 the court is not obtained, no additional expenses shall be paid under any circumstances.

19 Indigent defense vouchers authorized in this provision must be reviewed and paid pursuant to procedures and policies
20 established by the Commission on Indigent Defense. The commission shall provide a copy of the established procedures and
21 policies to the Senate Finance Committee and the House Ways and Means Committee.

22 **61.2.** (INDEF: State Employee Compensation Prohibited) Except as otherwise provided in Section 117.5, no money
23 appropriated pursuant to Defense of Indigents shall be used to compensate any state employees appointed by the court as
24 examiners, guardians ad litem or attorneys nor shall such funds be used in payment to any state agency for providing such services
25 by their employees.

26 **61.3.** (INDEF: Appellate Conflict Fund) The purpose of the Appellate Conflict Fund is to provide money to pay attorneys for
27 representing indigent defendants on appellate review when the Office of Appellate Defense is unable to do so. Funds designated
28 for appellate use in conflict cases shall be administered by the Commission on Indigent Defense. The Office of Appellate Defense
29 must first determine that it is unable to provide representation. Fees shall be \$40 per hour for out of court work and \$60 for in
30 court work, with a maximum of \$3,500 per case for noncapital appeals. Fees shall be \$50 per hour for out of court work and \$75
31 per hour for in court work in capital appeals with a maximum of \$10,000 per capital appeal. The appropriate appellate court shall
32 review and approve vouchers for payment for appellate conflict cases. The Office of Appellate Defense shall continue to provide
33 printing and other support functions currently provided from their resources. On June thirtieth of each year, the Commission on
34 Indigent Defense shall review all outstanding obligations in this fund. Any unspent and unobligated money shall be used to pay
35 outstanding vouchers in the Death Penalty Trial Fund or the Conflict Fund, provided the designated fund has become exhausted
36 during the year.

1 **61.4.** (INDEF: SC Appellate Court Rule 608 Appointments) The funds appropriated under “SC Appellate Court Rule 608
2 Appointments” shall be used for Civil Court Appointments including Termination of Parental Rights, Abuse and Neglect, Probate
3 Court Commitments, Sexually Violent Predator Act, and Post-Conviction Relief (PCR) and Criminal Conflict appointments to
4 reimburse court appointed private attorneys and for other expenditures as specified in this provision. SC Appellate Court Rule 608
5 Appointments funds may not be transferred or used for any other purpose.

6 A portion of the funds appropriated under “SC Appellate Court Rule 608 Appointments” shall be used for “Termination of
7 Parental Rights” cases and “Abuse and Neglect” cases to reimburse private attorneys who are appointed by the Family Court to
8 represent guardians ad litem, children, or parents under the provisions of S.C. Code Sections 20-7-110 et seq., 20-7-1570 et seq.,
9 20-7-1695 (A)(2) et seq., 20-7-7205 et seq., and 20-7-8705 (4)(a) et seq.; for “Probate Court Commitment” cases to reimburse
10 private attorneys who are appointed by the Probate Court to represent indigent persons; and for “Sexually Violent Predator” cases
11 to reimburse private attorneys who are appointed by the Circuit Court pursuant to Sections 44-48-10, et seq., to represent indigent
12 persons. When private counsel is appointed pursuant to these provisions, counsel shall be reimbursed a reasonable fee to be
13 determined on the basis of fifty dollars per hour or reimbursement may also be made on the basis of a set (flat) fee. The method of
14 payment and the amount of the set fee will be determined by the Commission on Indigent Defense. Attorney fees shall not exceed
15 two thousand dollars for any case under which such private attorney is appointed.

16 A portion of the funds appropriated under “SC Appellate Court Rule 608 Appointments” shall be used for noncapital Post
17 Conviction Relief Cases. Any attorney appointed shall be compensated at a rate not to exceed forty dollars per hour for time
18 expended out of court and sixty dollars per hour for time expended in court, or on the basis of a set (flat) fee. The method of
19 payment and amount of set (flat) fee will be determined by the Commission on Indigent Defense. Attorney fees shall not exceed
20 one thousand dollars in any single case.

21 A portion of the funds appropriated under “SC Appellate Court Rule 608 Appointments” shall be used for noncapital criminal
22 cases pursuant to Section 17-3-50 (Conflict Fund). Any attorney appointed shall be compensated at a rate not to exceed forty
23 dollars per hour for time expended out of court and sixty dollars per hour for time expended in court, or on the basis of a set (flat)
24 fee. The method of payment and amount of set (flat) fee will be determined by the Commission on Indigent Defense. Attorney
25 fees shall not exceed three thousand five hundred dollars in any single felony case or one thousand dollars in any single
26 misdemeanor case.

27 Reimbursement in excess of the hourly rate and limit set forth herein is authorized only if the court certifies, in a written order
28 with specific findings of fact, prior to the fees being incurred, that reimbursement in excess of the rates or limit is necessary to
29 provide reimbursement adequate to ensure effective assistance of counsel and reimbursement in excess of the limit is appropriate
30 because the services to be provided are reasonable and necessary. If prior approval by written order of the court is not obtained, no
31 additional fees shall be paid under any circumstances.

32 Upon a finding in ex parte proceedings that investigative, expert, or other services are reasonable and necessary for the
33 representation of the defendant, the court shall authorize the defendant’s attorney to obtain such services on behalf of the defendant
34 and shall authorize the payment, from funds available to the Commission on Indigent Defense, of fees and expenses not to exceed
35 five hundred dollars as the court considers appropriate. Payment in excess of the five hundred dollar limit is authorized only if the
36 court certifies, in a written order with specific findings of fact, prior to the expense being incurred, that payment in excess of the

1 limit is appropriate because the services to be provided are reasonable and necessary to provide adequate defense. Payments shall
2 be made from funds appropriated for this purpose from the Commission on Indigent Defense. If prior approval by written order of
3 the court is not obtained, no additional expenses shall be paid under any circumstances.

4 Indigent defense vouchers authorized in this provision must be reviewed and paid pursuant to procedures and policies
5 established by the Commission on Indigent Defense. The commission shall provide a copy of the established procedures and
6 policies to the Senate Finance Committee and the House Ways and Means Committee.

7 A portion of the funds appropriated under "SC Appellate Court Rule 608 Appointments" may be used by the Commission on
8 Indigent Defense to retain, on a contractual basis, the services of attorneys qualified to handle civil and criminal court
9 appointments, to be reimbursed in accordance with applicable provisos and statutes.

10 **61.5.** (INDEF: Carry Forward) To offset budget reductions, the Commission on Indigent Defense may carry forward and
11 utilize any unencumbered balances available in the Appellate Conflict Fund and the SC Appellate Court Rule 608 Appointment
12 Fund at the end of the prior fiscal year.

13 **61.6.** (INDEF: Public Defender Fee) Every person placed on probation on or after July 1, 2003, who was represented by a
14 public defender or appointed counsel, shall be assessed a fee of five hundred dollars. The revenue generated from this fee must be
15 collected by the clerk of court and sent on a monthly basis to the Commission on Indigent Defense. However, if a defendant fails
16 to pay this fee, this failure alone is not sufficient basis for incarceration for a probation violation. This assessment shall be
17 collected and paid over before any other fees.

18 **61.7.** (INDEF: Defense of Indigents Civil Action Application Fee) (A) A person requesting appointment of counsel in any
19 termination of parental rights (TPR), abuse and neglect, or any other civil court action in this state shall execute an affidavit that
20 the person is financially unable to employ counsel and that affidavit shall set forth all of the person's assets. This affidavit must be
21 completed before counsel may be appointed. If it appears that the person has some assets but they are insufficient to employ
22 private counsel, the court, in its discretion, may order the person to pay these assets or a portion thereof to the Commission on
23 Indigent Defense.

24 (B) A forty dollar application fee for appointed counsel services must be collected from every person who executes an affidavit
25 that they are financially unable to employ counsel. The person may apply to the court, the clerk of court, or other appropriate
26 official for a waiver or reduction in the application fee. If it is determined that the person is unable to pay the application fee, the
27 fee may be waived or reduced, provided that if the fee is waived or reduced, the clerk or appropriate official shall report the amount
28 waived or reduced to the trial judge and the trial judge shall order the remainder of the fee paid by a time payment method or such
29 method as the trial judge deems appropriate. The clerk of court or other appropriate official shall collect the application fee
30 imposed by this section and remit the proceeds to the Commission on Indigent Defense on a monthly basis. The monies must be
31 deposited in an interest-bearing account separate from the general fund and used only to provide for indigent defense services. The
32 monies shall be administered by the Commission on Indigent Defense. The clerk of court or other appropriate official shall
33 maintain a record of all persons applying for representation and the disposition of the application and shall provide this information
34 to the Commission on Indigent Defense on a monthly basis as well as reporting the amount of funds collected or waived.

35 (C) In matters in which a juvenile is brought before a court, the parents or legal guardian of such juvenile shall execute the
36 above affidavit based upon their financial status and shall be responsible for paying any fee. In matters concerning juveniles, the

1 parents or legal guardians of said juvenile, shall be advised in writing of this requirement at the earliest stage of the proceedings
2 against said juvenile.

3 (D) Nothing contained above shall restrict or hinder a court from appointing counsel in any emergency proceedings or where
4 existing statutes do not provide sufficient time for an individual to complete the application process.

5 (E) The appointment of counsel, as herein before provided, creates a claim against the assets and estate of the person who is
6 provided counsel or the parents or legal guardians of a juvenile in an amount equal to the costs of representation as determined by a
7 voucher submitted by the appointed counsel and approved by the court, less that amount that the person pays to the appointed
8 counsel.

9 (F) Such claim shall be filed in the office of the clerk of court in the county where the person is assigned counsel, but the filing
10 of a claim shall not constitute a lien against real or personal property of the person unless, in the discretion of the court, part or all
11 of such claim is reduced to judgment by appropriate order of the court, after serving the person with at least thirty days' notice that
12 judgment will be entered. When a claim is reduced to judgment, it shall have the same effect as judgments, except as modified by
13 this provision.

14 **61.8.** (INDEF: Exemption for Pass Through Funding) The funds distributed by the Commission on Indigent Defense to the
15 Legal Services Corporation in accordance with Section 14-1-204 of the 1976 Code shall not be considered part of the
16 commission's budget for purposes of calculating budget reductions.

17 **61.9.** (INDEF: Reporting Requirement) Circuit Public Defenders shall provide, in a manner and form as the agency head
18 requires, information and data concerning caseloads, dispositions, and other information as required by the agency head or General
19 Assembly. The agency shall withhold payments and transfers to Circuit Public Defenders who are not in compliance with the
20 agency reporting requirements.

21 **61.10.** (INDEF: Donation Carry Forward) The Commission on Indigent Defense may accept donations for the publication of
22 "The South Carolina Juvenile Collateral Consequences Checklist." All revenue derived from donations received at the
23 Commission on Indigent Defense shall be retained, carried forward and expended according to agreement reached between the
24 donor, or donors, and the Commission on Indigent Defense.

25 **61.11.** (INDEF: Capital Case Contract Attorneys) Funds appropriated from the Death Penalty Trial Fund may be used by the
26 commission to retain, on a contractual basis, the service of attorneys qualified to provide representation in capital proceedings to
27 include: capital trials, post-conviction relief actions, re-sentencing, appeals or any other capital litigation proceeding.

28 The commission shall establish all policies, procedures and contract provisions as it deems appropriate for the implementation of
29 the system, including but not limited to the selection and compensation of contract awardees.

30 **61.12.** (INDEF: Optional Courts and Indigent Representation) If a municipality has or elects to have an optional municipal
31 court system, it must provide adequate funds for representation of indigents. No public defender shall be appointed in any such
32 court unless the municipality and the office of the circuit public defender have reached an agreement for indigent representation
33 and no funds allocated to the commission shall be used to provide compensation for appointed counsel in municipal courts.
34

SECTION 62 - D100 - STATE LAW ENFORCEMENT DIVISION

62.1. (SLED: Special Account Carry Forward) Funds awarded to the State Law Enforcement Division by either court order or from donations or contributions shall be deposited in a special account with the State Treasurer, and shall be carried forward from year to year, and withdrawn from the Treasurer as needed to fulfill the purposes and conditions of the said order, donations or contributions, if specified, and if not specified, as may be directed by the Chief of the State Law Enforcement Division. Funds expended from the special account must be annually reported by October first to the Senate Finance Committee and the Ways and Means Committee.

62.2. (SLED: Computer/Communications Center Carry Forward) Revenue generated from the operation of the division's criminal justice computer/communications center and not expended during the prior fiscal year may be carried forward and expended for the same purpose during the current fiscal year.

62.3. (SLED: Agents Operations Carry Forward) Any unexpended balance on June thirtieth, of the prior fiscal year, in Part IA, subsection 62 of the section "Agents Operations" may be carried forward and expended for the same purpose in the current fiscal year.

62.4. (SLED: Match for Federal Grants Carry Forward) State appropriations to SLED that are required to provide match for federal grant programs in the prior fiscal year may be carried forward into the current fiscal year and expended for the same purpose as originally appropriated.

62.5. (SLED: Clothing Allowance) The State Law Enforcement Division is hereby authorized to provide agents and criminalists with an annual clothing allowance (on a pro rata basis) not to exceed \$600 per agent/criminalist for required clothing used in the line of duty.

62.6. (SLED: Witness Fee) The State Law Enforcement Division is hereby authorized to charge a witness fee of \$130.00 per hour up to \$1,000 per day for each employee testifying in civil matters which do not involve the State as a part in interest. This fee shall be charged in addition to any court prescribed payment due as compensation or reimbursement for judicial appearances and deposited into a designated revenue account.

62.7. (SLED: Commissioned Officers' Physicals) The department is authorized to pay for the cost of physical examinations for department personnel who are required to receive such physical examinations prior to receiving a law enforcement commission.

62.8. (SLED: Meals in Emergency Operations) The State Law Enforcement Division may provide meals to employees of SLED who are not permitted to leave assigned duty stations and are required to work during deployment, emergency simulation exercises and when the Governor declares a state of emergency.

62.9. (SLED: Hazardous Materials Security Detail) The State Law Enforcement Division (SLED) is authorized to be reimbursed for security related law enforcement services provided to entities authorized to transport sensitive materials within the borders of South Carolina. SLED shall determine all costs associated with security details and is authorized to coordinate the collection, retention, and distribution to any assisting agency. SLED and each assisting agency shall expend any funds associated with minimizing risks related to the transportation of these hazardous materials for the implementation of homeland security initiatives.

1 **62.10.** (SLED: Sex Offender Registry Fee) Each Sheriff is authorized to charge and collect an annual amount of one hundred
2 fifty dollars from each sex offender required to register by law. If such sex offender has been declared indigent by the Sheriff of
3 the county in which the offender must register and provides proof of the declaration at the time of registration, the fee will
4 automatically be waived. If an offender is not declared indigent and fails to pay the fee, he is officially declared unregistered. This
5 fee shall be divided between the Sheriffs and the State Law Enforcement Division with one hundred dollars of the fee retained by
6 the Sheriffs and the remaining fifty dollars remitted by the Sheriffs to SLED on a quarterly basis. These funds must be used to
7 support the Statewide Sex Offender Registry.

8 **62.11.** (SLED: Private Detective Fees Criminal History Checks) The State Law Enforcement Division is authorized to charge
9 private detective companies, individual private detectives, private security companies, armed security guards, and proprietary
10 security companies a fee of twenty-five dollars to process state criminal history checks and fifty dollars for federal fingerprint
11 based criminal history checks. These funds shall be collected, retained, expended and carried forward by the State Law
12 Enforcement Division.

13 **62.12.** (SLED: CWP Instructors Certification) The State Law Enforcement Division is authorized to charge one hundred dollars
14 for the issuance of a Certified Concealable Weapons Permit Instructor certificate, and one hundred dollars every three years for
15 each renewal. These funds shall be collected, retained, expended and carried forward by the State Law Enforcement Division.

16 **62.13.** (SLED: Expungement Requests) The State Law Enforcement Division is authorized to collect a twenty-five dollar
17 expungement fee for each request to expunge criminal records. These funds shall be used to offset the operational and research
18 expenses associated with processing these expungement requests. SLED is authorized to collect, retain, expend, and carry forward
19 these funds. Persons found not guilty by a court of competent jurisdiction or where charges have been dismissed or nolle prossed
20 shall be excluded from the fee requirement.

21 **62.14.** (SLED: Retention of Funds Reimbursed by State or Federal Agencies) The State Law Enforcement Division is authorized
22 to collect, expend, retain, and carry forward all funds received from other state or federal agencies in the current fiscal year as
23 reimbursement of expenditures incurred in the current or prior fiscal year.

24 **62.15.** (SLED: Monies Associated with Illegal Gaming Devices) The State Law Enforcement Division is authorized to retain,
25 expend, and carry forward all monies associated with illegal gaming devices seized by the division, once orders of destruction and
26 awarding of these monies have been received from a court of competent jurisdiction.

27 **62.16.** (SLED: Private Detective/Security Fee) The license and registration fees set by the State Law Enforcement Division for
28 private detective businesses, private security businesses, including employees of these businesses, and companies which provide
29 private security on their own premises must not exceed those fees set by regulation as of January 1, 2011, unless otherwise
30 approved by the General Assembly. From the funds collected from these fees, the State Law Enforcement Division must transfer
31 \$480,000 to the Department of Public Safety which shall be used for the purpose of providing security in the Capitol Complex
32 area.

33 **62.17.** (SLED: Criminal Record Search Fees) The State Law Enforcement Division is authorized to charge and collect a fee of
34 eight dollars for a criminal record search for local park and recreation volunteers through a commission, municipality, county, or
35 the South Carolina Department of Parks, Recreation, and Tourism. Any organization that is authorized to receive the reduced fee
36 must not charge the volunteer, mentor, member, or employee more than the eight dollars or any additional fee that is not required

1 by the State Law Enforcement Division. All criminal record searches conducted under this provision must be for a volunteer,
2 mentor, member or employee performing in an official capacity of the organization and must not be resold.

3 **62.18.** (SLED: Compensatory Payment) In the event a State of Emergency is declared by the Governor, exempt employees of
4 the State Law Enforcement Division may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion
5 of the Chief, and providing funds are available.

6 **62.19.** (SLED: Meth Lab Clean Up Carry Forward) Any unexpended balance on June thirtieth of the prior fiscal year, in the
7 special line "Meth Lab Clean Up" may be carried forward and expended for agency law enforcement operations in the current
8 fiscal year.

9 **62.20.** (SLED: CWP Renewal and Replacement) A concealed weapons permit may not be suspended by a state official, agent,
10 or employee supported by state funds if the permit holder has initiated a renewal or replacement application and the processing and
11 issuance of a renewal or replacement permit is delayed for administrative reasons. A concealed weapons permit remains valid
12 during the pendency of the renewal or replacement process so long as the application for replacement renewal is submitted prior to
13 the expiration of the permit.

14 **62.21.** (SLED: Drug Lab Electronic Mandatory Reporting System) Of the funds appropriated for Meth Lab Clean Up, the State
15 Law Enforcement Division is authorized to expend such funds for the development and implementation of a statewide electronic
16 mandatory reporting system for municipal, county and state governmental entities to report information, as directed by the State
17 Law Enforcement Division, pertaining to the discovery or seizure of methamphetamine laboratories and dumpsites.

18 **62.22.** (SLED: Mandatory Meth Lab Reporting) If a municipal, county, or state governmental entity locates, finds, or seizes a
19 methamphetamine laboratory or dumpsite within the State, the governmental entity shall report the incident within three business
20 days to the State Law Enforcement Division.

21 The State Law Enforcement Division shall determine the reporting mechanism and is authorized to request, receive, catalogue,
22 classify, and maintain all information it determines necessary pertaining to the laboratory or dumpsite including, but not limited to,
23 the location, the type of manufacturing method used, and suspect information. The State Law Enforcement Division shall maintain
24 information related to these governmental reports on its website, which must be made available to the public, and is authorized to
25 use funds appropriated for Meth Lab Clean Up towards the prudent maintenance of information reported.

26 A governmental entity that fails to report information to the State Law Enforcement Division pursuant to this proviso is
27 ineligible to receive public safety grants that are funded through the South Carolina Public Safety Coordinating Council pursuant to
28 Section 23-6-520(2) of the 1976 Code.

29 **62.23.** (SLED: First Responder PTSD Treatment) From the funds provided for First Responder PTSD Treatment, the State Law
30 Enforcement Division shall distribute fifty percent to the South Carolina Law Enforcement Assistance Program to reimburse law
31 enforcement officers who incur mental injury as a result of a critical incident during the scope of employment for actual
32 out-of-pocket expenses not covered through worker's compensation claims and/or other insurance and can also be utilized to
33 provide services through the South Carolina Law Enforcement Assistance Program. The State Law Enforcement Division shall
34 distribute fifty percent to the South Carolina State Firefighters Association for the South Carolina Firefighter Assistance Support
35 Team to reimburse firefighters and emergency medical technicians who incur mental injury as a result of a critical incident during
36 the scope of employment for actual out-of-pocket expenses not covered through worker's compensation claims and/or other

1 insurance and can also be utilized to provide services through the South Carolina Firefighter Assistance Support Team. The State
2 Law Enforcement Division shall promulgate any administrative regulations necessary to carry out the provisions of this section.
3

4 **SECTION 63 - K050 - DEPARTMENT OF PUBLIC SAFETY**

5

6 **63.1.** (DPS: Special Events Traffic Control) The highway patrol must not charge any fee associated with special events for
7 maintaining traffic control and ensuring safety on South Carolina public roads and highways unless approved by the General
8 Assembly. Nothing shall prohibit the Treasury of the State from accepting voluntary payment of fees from private or public
9 entities to defray the actual expenses incurred for services provided by the Department of Public Safety.

10 **63.2.** (DPS: Retention of Private Detective Fees) The Department of Public Safety is hereby authorized to receive, expend,
11 retain, and carry forward all funds transmitted from SLED related to fees charged and collected by SLED from license and
12 registration fees for private detective businesses, private security businesses, including employees of these businesses, and
13 companies which provide private security on their own premises. The funds transferred are to be used in the Bureau of Protective
14 Services Program to provide security for state agencies and the Capitol Complex.

15 **63.3.** (DPS: Motor Carrier Advisory Committee) From the funds appropriated and/or authorized to the Department of Public
16 Safety and the Department of Motor Vehicles, the departments are directed to jointly establish a Motor Carrier Advisory
17 Committee to solicit input from the Trucking Industry and other interested parties in developing policies and procedures for the
18 regulation of this industry. The members of the advisory committee shall serve without compensation.

19 ~~**63.4.** (DPS: Sale of Real Property) At such time as any portion of the Laurens Road property in Greenville is declared to be~~
20 ~~surplus by the agency or agencies which occupy said portion, and after receiving approval from the Department of Administration~~
21 ~~or State Fiscal Accountability Authority, for the sale of the property, the Department of Public Safety, the Department of~~
22 ~~Transportation, and the Department of Motor Vehicles are authorized to receive, retain, expend, and carry forward funds derived~~
23 ~~from the sale of the real property in which each agency holds an interest or title. No portion of the property may be declared as~~
24 ~~surplus by one agency if another agency is occupying said property. The Department of Public Safety is directed to use these funds~~
25 ~~to defray the operating expenses of the Highway Patrol and the Department of Transportation and the Department of Motor~~
26 ~~Vehicles are directed to use their portion of these funds for department operating expenses.~~

27 **63.5.** (DPS: CMV Driver Rest Areas) A joint working group is to be established between the Department of Transportation,
28 Department of Public Safety, State Transport Police and the South Carolina Trucking Association to review and evaluate where
29 critical rest areas may be made available for commercial motor vehicle drivers to park and obtain their federally mandated required
30 rest.

31 **63.6.** (DPS: SC Law Enforcement Officers Hall of Fame Scholarships) The Department of Public Safety is hereby authorized
32 to accept donations from the public in order to provide scholarships to the children of law enforcement officers killed in the line of
33 duty. The South Carolina Law Enforcement Officers Hall of Fame Advisory Committee is authorized to set the criteria for
34 awarding such scholarships. All revenue received for this purpose shall be used to provide scholarships and shall be retained,
35 carried forward, and expended for the same purpose.

1 **63.7.** (DPS: Body Cameras) The Department of Public Safety is authorized to retain and carry forward unexpended funds
2 associated with body cameras from the prior fiscal year into the current fiscal year and expend those funds for the same purpose.

3 ~~**63.8.** (DPS: Overtime Pay) For Fiscal Year 2017-18, the department is authorized and required to pay current non-exempt law~~
4 ~~enforcement officers by October first for any compensatory time earned and not used in the prior fiscal year. The funds for this~~
5 ~~compensation must be provided from available personal services and/or employer contributions funds carried forward from the~~
6 ~~prior fiscal year. If the amount of carried forward funds is not sufficient to pay all the non-exempt law enforcement officers~~
7 ~~accrued compensatory time, the agency shall pay the officers on a percentage distribution based on the hours owed per officer up to~~
8 ~~the total amount that the agency has carried forward.~~

9 10 **SECTION 64 -N200 - LAW ENFORCEMENT TRAINING COUNCIL**

11
12 **64.1.** (LETC: CJA-Federal, Other Flow Through Funds) In order to complete projects begun in a prior fiscal year, the Law
13 Enforcement Training Council, Criminal Justice Academy is authorized to expend federal and earmarked funds in the current fiscal
14 year for expenditures incurred in the prior fiscal year.

15 **64.2.** (LETC: CJA-Retention of Emergency Expenditure Refunds) The Law Enforcement Training Council, Criminal Justice
16 Academy is authorized to collect, expend, retain, and carry forward all funds received from other state or federal agencies in the
17 current fiscal year as reimbursement of expenditures incurred in the current or prior fiscal year when personnel and equipment are
18 mobilized and expenses incurred due to an emergency.

19 20 **SECTION 65 - N040 - DEPARTMENT OF CORRECTIONS**

21
22 **65.1.** (CORR: Canteen Operations) Revenue derived wholly from the canteen operations within the Department of Corrections
23 on behalf of the inmate population, may be retained and expended by the department for the continuation of the operation of said
24 canteens and the welfare of the inmate population or, at the discretion of the Director, used to supplement costs of operations. The
25 canteen operation is to be treated as an enterprise fund within the Department of Corrections and is not to be subsidized by state
26 appropriated funds.

27 **65.2.** (CORR: E.H. Cooper Trust Fund) Any unclaimed funds remaining in any inmate account, after appropriate and
28 necessary steps are taken to determine and contact a rightful owner of such funds, shall be deposited into the Inmate Welfare Fund.

29 **65.3.** (CORR: Instructional Salaries) The certified instructional personnel of the Department of Corrections shall receive a
30 percentage increase in their annual salary for the current fiscal year equal to the percentage allocated to the instructional personnel
31 throughout the State.

32 **65.4.** (CORR: Funding Through State Criminal Assistance Program) All funds received by the State from the United States
33 Department of Justice, State Criminal Alien Assistance Program, for care and custody of illegal aliens housed in the state
34 correctional facilities shall be retained by the South Carolina Department of Corrections to offset incurred expenses.

35 **65.5.** (CORR: Remedial Education Funding) A criminal offender committed to the custody of the Department of Corrections,
36 who has been evaluated to function at less than an eighth grade educational level, or less than the equivalent of an eighth grade

1 educational level, may be required by department officials to enroll and actively participate in academic education programs.
2 Funds appropriated to the Department of Corrections for educational programs shall be prioritized to assure such remedial services
3 are provided.

4 **65.6.** (CORR: Tire Retreading Program Restriction) The tire retreading program at the Lieber Correctional Institution shall be
5 limited to the marketing and sale of retreads to state governmental entities.

6 **65.7.** (CORR: Social Security Administration Funding) All funds received by the South Carolina Department of Corrections
7 from the Social Security Administration under Section 1611 (e)(1)(I) of the Social Security Act, which provides payment for
8 information regarding incarcerated Social Security Insurance recipients, shall be retained by the South Carolina Department of
9 Corrections and credited to a fund entitled "Special Social Security" for the care and custody of inmates housed in the state
10 correctional facilities.

11 **65.8.** (CORR: Medical Expenses) The Department of Corrections shall be authorized to charge inmates a nominal fee for any
12 medical treatment or consultation provided at the request of or initiated by the inmate. A nominal co-pay shall be charged for
13 prescribed medications. Inmates shall not be charged for psychological or mental health visits.

14 **65.9.** (CORR: Prison Industry Funds) The Director of the Department of Corrections, at his discretion, is hereby authorized to
15 utilize prison industry funds for projects or services benefiting the general welfare of the inmate population or to supplement costs
16 of operations. These funds may be carried forward from the prior fiscal year into the current fiscal year to be used for the same
17 purpose.

18 **65.10.** (CORR: Reimbursement for Expenditures) The Department of Corrections may retain for general operating purposes
19 any reimbursement of funds for expenses incurred in a prior fiscal year.

20 **65.11.** (CORR: Sale of Real Property) Funds generated from the sale of real property owned by the Department of Corrections
21 shall be retained by the department to offset renovation and maintenance capital expenditures.

22 **65.12.** (CORR: Funds From Vehicle Cleaning) Monies generated by inmates engaged in the cleaning and waxing of private
23 vehicles, or any other adult work activity center, shall be placed in a special account and utilized for the welfare of the inmate
24 population.

25 **65.13.** (CORR: Release of Inmates) The Director of the Department of Corrections and other persons having charge of
26 prisoners who are required to serve a period of six months or more, may release all such prisoners, including prisoners to whom
27 Section 24-13-150(A) of the 1976 Code applies, on the first day of the month in which their sentences expire, and if the first day of
28 the month falls on a Saturday, Sunday, or a legal holiday, such prisoners may be released on the last weekday prior to the first of
29 the month which is not a holiday.

30 **65.14.** (CORR: Western Union Funding) All funds received by the South Carolina Department of Corrections from the Western
31 Union Quick Collect Revenue Sharing Program or similar private sector entities, which provides payment for processing electronic
32 transfers into the E.H. Cooper Trust Fund, shall be retained by the South Carolina Department of Corrections and credited to a fund
33 entitled "Inmate Welfare Fund" to be expended for the benefit of the inmate population.

34 **65.15.** (CORR: Monitoring Fees) The Department of Corrections is authorized to charge an inmate who participates in
35 community programs a reasonable fee for the cost of supplying electronic and telephonic monitoring. The fees charged may not
36 exceed the actual cost of the monitoring.

1 **65.16.** (CORR: Inmate Insurance Policies) The Department of Corrections may collect and record private health insurance
2 information from incarcerated individuals. The department may file against any private insurance policy covering an inmate to
3 recoup any health care expenditures covered by the policy. Health care will be provided in accordance with law and standards
4 regardless of whether or not an inmate is covered by insurance.

5 **65.17.** (CORR: Work Release Transportation Fee) The South Carolina Department of Corrections is authorized to charge a
6 \$4.00 per day transportation fee to participants in the work release program only when such transportation is provided by the
7 department. Monies collected shall be credited to the South Carolina Department of Corrections, and utilized solely to fund
8 transportation of work release participants and vehicle replacement for the work release program.

9 **65.18.** (CORR: Special Assignment Pay Level 2 & 3 Facilities) Funds appropriated for special assignment pay at the
10 Department of Corrections are for the purpose of addressing vacancies and turnover of staff by providing a pay differential for
11 certain employees assigned to institutions with a Level II or Level III security designation. The funds are to be used for special
12 assignment pay only and may not be transferred to any other program. If the employee leaves one of the qualifying job classes or
13 leaves a Level II or Level III institution for a non-Level II or non-Level III facility, they shall no longer be eligible for this special
14 assignment pay. Only employees in full-time equivalent positions are eligible for this special assignment pay.

15 The special assignment pay is not a part of the employee's base salary and is as determined by the Director of the Department of
16 Corrections at Level II and Level III institutions:

- 17 (1) Cadets;
- 18 (2) Correctional Officers, including Class Code JD-30 (Officer I and II positions);
- 19 (3) Corporals I and II;
- 20 (4) Sergeants and Lieutenants;
- 21 (5) Captains and Majors;
- 22 (6) Nursing Staff;
- 23 (7) Food Services Staff; and
- 24 (8) Warden.

25 **65.19.** (CORR: Quota Elimination) Pursuant to Section 24-3-60 of the 1976 Code, upon notification by the county, the
26 Department of Corrections shall accept newly sentenced inmates from each local jail and detention center.

27 For sentenced inmates who the county is willing to transport, the department may limit the acceptance at the Kirkland
28 Correctional Institution to the hours of 8:00 a.m. to 1:00 p.m., Monday through Friday, excluding holidays, and at the Perry and
29 Lieber Correctional Institutions to the hours of 8:00 a.m. to 10:30 a.m., Monday through Friday, excluding holidays.

30 By mutual agreement between the Department of Corrections and a local jail or detention center, the department may establish
31 an alternate admissions schedule for receiving inmates at the Reception and Evaluation Center.

32 At the time of transfer of the inmate to the department, the county shall provide the sentencing order, and if available copies of
33 medical screening records, booking reports, and other documents to assist the department in its intake processing. Counties that
34 have not completed medical screenings at the time of transfer shall not be required to do so.

35 In the event there are inadequate beds within the Reception and Evaluation Center, the Department of Corrections may create a
36 "jail" within the Kirkland Correctional Institution using one or more of the available 192-bed housing units to accept newly

1 sentenced state inmates who are awaiting R & E processing. The department may operate such “jail,” to the extent feasible, in
2 accordance with standards applicable to the local jails.

3 The department shall use the funds appropriated in this act for “Quota Elimination” to accomplish this initiative and to open a
4 96-bed unit at the MacDougall Correctional Institution and the 192-bed housing units at Kirkland Correctional Institution. The
5 funds may not be transferred to any other program or used for any other purpose.

6 **65.20.** (CORR: Public/Private Partnerships for Construction) Funds appropriated in Act 407 of 2006, item 23, shall be used to
7 construct as many multi-purpose buildings at Department of Corrections institutions as possible. For such facilities at Lieber,
8 McCormick, Leath, Perry, or Allendale Correctional Institution, at least \$150,000 in matching funds and/or construction materials
9 or services must be donated before construction of the facility may begin. At other Department of Corrections locations, the
10 Director may require that donated funds and/or materials or services equal one-half of the cost of construction, including design
11 and engineering costs.

12 **65.21.** (CORR: Inmate Barbering Program) Inmate barbers in the Inmate Barbering Program at the Department of Corrections,
13 shall not be subject to the licensing requirement of Section 40-7-30 of the 1976 Code.

14 **65.22.** (CORR: Executed Inmate Autopsy) For the current fiscal year, the autopsy requirements of Section 17-7-10 of the 1976
15 Code are suspended when an inmate is executed by the Department of Corrections pursuant to a valid order of the Supreme Court
16 of South Carolina.

17 **65.23.** (CORR: Recoupment of Expenses Associated with Inmate Cremation) If the Department of Corrections incurs expenses
18 for cremating and disposing of an unclaimed deceased inmate, the department may recoup all associated costs of cremation,
19 including transportation, through the deceased inmate’s E.H. Cooper account, providing funds are available.

20 **65.24.** (CORR: Credited Jail Time; DNA Sample Collection) Inmates committed to the Department of Corrections for
21 sentences greater than ninety days, but who have credit for jail time in excess of their sentence to incarceration are not required to
22 be transported to the Reception and Evaluation Center of the Department of Corrections. Cities and counties housing inmates who
23 have credit for jail time in excess of their sentence may, through written agreement with the Department of Corrections, transfer
24 required commitment records to the department electronically or by other means. The Department of Corrections must establish
25 reasonable documentation requirements to facilitate the implementation of this cost savings measure. Employees of the
26 Department of Probation, Parole and Pardon Services assigned to the court or employees of the Department of Corrections, as
27 applicable, shall obtain DNA samples from the offenders who are required to submit DNA samples. This provision does not
28 exempt the above referenced inmates from the \$250 DNA fee as required by Section 23-3-670 of the 1976 Code. The \$250 fee
29 shall be collected in the same manner as other fines and fees and submitted to the State Treasurer for remittance to SLED.

30 **65.25.** (CORR: Cell Phone Interdiction) The Director of the Department of Corrections is granted the right to add a surcharge
31 to all inmate pay phone calls to offset the cost of equipment and operations of cell phone interdiction measures. The surcharge will
32 be added to the cost per call, collected by chosen telephone vendor and paid to the department on a monthly basis. The department
33 is authorized to retain the funds to pay, either directly or through the State lease program, for equipment required to enact cell
34 phone interdiction or retrieval. When the equipment has been paid in full, the surcharge amount will be reviewed and adjusted to
35 cover the cost of ongoing operational expenses of the interdiction equipment. Any unexpended balance may be carried forward
36 from the prior fiscal year into the current fiscal year and be used for the same purpose.

1 **65.26.** (CORR: Correctional Institution Maintenance and Construction) For maintenance and construction activities funded in
 2 the current fiscal year, the Department of Corrections may utilize inmate labor to perform any portion of the work on its own
 3 grounds and facilities. The provisions of Section 40-11-360(A)(9) of the 1976 Code shall apply to any such project, including new
 4 construction.

5 **65.27.** (CORR: Meals in Emergency Operations) The Department of Corrections may provide meals to public employees who
 6 are not permitted to leave their stations and are required to work during actual emergencies, emergency simulation exercises, or
 7 when the Governor declares a state of emergency.

8 **65.28.** (CORR: Prohibition on Funding Certain Surgery) (A) The Department of Corrections is prohibited from using state
 9 funds or state resources to provide a prisoner in the state prison system sexual reassignment surgery; however, if a person is taking
 10 hormonal therapy at the time the person is committed to the Department of Corrections, the department shall continue to provide
 11 this therapy to the person as long as medically necessary for the health of the person.

12 (B) As used in this provision:

13 (1) 'Hormonal therapy' means the use of hormones to stimulate the development or alteration of a person's sexual
 14 characteristics in order to alter the person's physical appearance so that the person appears more like the opposite gender;

15 (2) 'Sexual reassignment surgery' means a surgical procedure to alter a person's physical appearance so that the person
 16 appears more like the opposite gender.

17 **SECTION 66 - N080 - DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES**

18 **66.1.** (DPPP: Sale of Equipment) All revenue generated by the Department of Probation, Parole and Pardon Services from the
 19 sale of various equipment in excess of \$575, less the cost of disposition incurred by the Department of Administration, may be
 20 retained and carried forward into the current fiscal year and expended for the purpose of purchasing like items.

21 **66.2.** (DPPP: Interstate Compact Application Fee) The department may charge offenders an application fee set by the
 22 department, not to exceed the department's actual costs, to offenders applying for transfers out of or into the state under the
 23 Interstate Compact Act. The application fee shall be retained by the department to offset the cost of the Interstate Compact Act.
 24 All unexpended funds at year-end may be retained and carried forward by the department to be expended for the same purpose.

25 **66.3.** (DPPP: GED Learn and Earn Program) From the funds appropriated in Part IA, the department may enter into
 26 agreements with statewide colleges, technical colleges, and school districts for the purpose of providing GED and GED Prep
 27 education to offenders. Offenders of the department enrolled in the program must repay the department the cost of the course and
 28 materials within six months of obtaining their GED.

29 **66.4.** (DPPP: Sex Offender Monitoring Carry Forward) The Department of Probation, Parole and Pardon Services is
 30 authorized to carry forward any unexpended funds in the Sex Offender Monitoring program. These funds must be used for the sex
 31 offender monitoring program. For the purpose of calculating the amount of funds which may be carried forward by the
 32 department, Sex Offender Monitoring program funds carried forward by this provision shall be excluded from the calculation of
 33 the carry forward authorized by provision elsewhere in this act.
 34
 35

1 **66.5.** (DPPP: Offender Drug Testing Fee) The department may charge offenders a fee set by the department, not to exceed
2 \$50, for the purpose of drug testing. If it is determined that the offender is indigent, this fee must be waived. The fee shall be
3 retained by the department to offset the cost of drug testing. All unexpended funds at year-end may be retained and carried
4 forward by the department to be expended for the same purpose.

5 **66.6.** (DPPP: Public Service Employment Set-Up Fee) In addition to any other fee, the department may charge an adult
6 offender placed under the jurisdiction of the department, who is ordered to public service employment by the court, a twenty-five
7 dollar Public Service Employment set-up fee. The fee must be retained by the department and applied to the department's
8 supervision process. The department shall submit a report to the Chairman of the Senate Finance Committee and the Chairman of
9 the House Ways and Means Committee on the number of offenders who were assessed the set-up fee and the amount of funds
10 collected.

11 12 **SECTION 67 - N120 - DEPARTMENT OF JUVENILE JUSTICE**

13
14 **67.1.** (DJJ: Meal Ticket Revenue) The revenue generated from sale of meal tickets by the Department of Juvenile Justice shall
15 be retained and carried forward into the current fiscal year by the agency and expended for the operation of the agency's cafeterias
16 and food service programs.

17 **67.2.** (DJJ: Interstate Compact Revenue) The revenue returned to the Interstate Compact Program shall be retained and carried
18 forward into the current fiscal year by the agency and expended for the operation of the program.

19 **67.3.** (DJJ: Children's Projects Revenue) Funds generated from the projects undertaken by children under the supervision of
20 the Department of Juvenile Justice may be retained by the department and utilized for the benefit of those children. Such funds
21 may be carried forward into the following fiscal year.

22 **67.4.** (DJJ: Instructional Salaries) The certified instructional personnel of the Department of Juvenile Justice shall receive a
23 percentage increase in their annual salary for the current fiscal year equal to the percentage allocated to the instructional personnel
24 throughout the State.

25 **67.5.** (DJJ: Reimbursements for Expenditures) The Department of Juvenile Justice may retain for general operating purposes
26 any reimbursement of funds for expenses incurred in a prior fiscal year.

27 **67.6.** (DJJ: Juvenile Arbitration/Community Advocacy Program) The amount appropriated and authorized in this section for
28 the Juvenile Arbitration Program shall be retained and expended by the Department of Juvenile Justice for the purpose of providing
29 juvenile arbitration services through the sixteen Judicial Circuit Solicitors' offices in the state and used to fund necessary
30 administrative and personnel costs for the programs.

31 The Department of Juvenile Justice shall contract with Solicitors to administer the Juvenile Arbitration Program and disburse up
32 to \$60,000 per Judicial Circuit based on services rendered. The amount payable to Solicitors may vary based on consistent
33 adherence to established statewide program guidelines to assess program performance.

34 The \$250,000 appropriated for the Community Advocacy Program in the first Judicial Circuit, will be used to fund necessary
35 administrative and personnel costs for this status offender diversion program. The Department of Juvenile Justice shall monitor
36 and provide support to this program.

1 All unexpended funds may be retained and carried forward from the prior fiscal year to be used for the same purposes.

2 **67.7.** (DJJ: Sale of Real Property) After receiving approval from the Department of Administration or State Fiscal
3 Accountability Authority, for the sale of property, the department is authorized to retain revenues associated with the sale of
4 department-owned real property and may expend these funds on capital improvements reviewed by the Joint Bond Review
5 Committee and approved by the State Fiscal Accountability Authority.

6 **67.8.** (DJJ: Sale of Timber) The Department of Juvenile Justice is hereby authorized to sell mature trees and other timber
7 suitable for commercial purposes from lands owned by the department. Prior to such sales, the director shall consult with the State
8 Forester to determine economic and environmental feasibility and to obtain approval for such sales. Funds derived from timber
9 sales shall be retained and utilized for family support services after setting aside a reasonable amount, as determined by the State
10 Forester, for reforestation of the lands from which the trees and timber are sold.

11 **67.9.** (DJJ: Drug Free Workplace) The critical mission of the Department of Juvenile Justice requires a safe and drug free
12 work environment. In order to accomplish this, the department may conduct and pay for the cost of pre-employment drug testing
13 and random employee drug testing. The department is authorized to expend funds in order to provide or procure these services.

14 **67.10.** (DJJ: Definition of Juveniles) The Department of Juvenile Justice is authorized to place juveniles in marine and
15 wilderness programs or other community residence programs operated by nongovernmental entities. Juveniles receiving services
16 in these community residence programs must either be referred to such a program by the Family Court as a condition of probation,
17 released to such a program by the Board of Juvenile Parole, or voluntarily agree to be assigned and released to such a program by
18 the Department of Juvenile Justice.

19 **67.11.** (DJJ: Adult Education - GED) Juveniles committed to the Department of Juvenile Justice who have been enrolled in, but
20 not yet completed, a GED educational program while at the department, at the discretion of the local school district, upon release
21 from the department shall be allowed to enroll in either the juvenile's local school district's regular education program, in their
22 appropriate grade placement, or allowed to enroll in that district's or county's adult education program. If enrolled in an adult
23 education program, the juvenile's eligibility for taking the GED shall be based upon the regulations promulgated by the
24 Department of Education for youth who are confined in, or under the custody of, the Department of Juvenile Justice.

25 **67.12.** (DJJ: Local District Effort) Upon commitment or confinement to a Department of Juvenile Justice facility, the school
26 district in which that child resides shall pay an amount equivalent to the statewide average of the local base student cost (thirty
27 percent), multiplied by the appropriate pupil weighting set forth in Section 59-20-40, for instructional services provided to
28 out-of-district students to the Department of Juvenile Justice for the time period in which the child is committed or confined to a
29 department facility. EFA funding for school districts is provided for a one hundred eighty day school year. The billing provided
30 by the department shall be calculated by dividing the
31 local base student cost by two hundred twenty-five days to determine the daily rate. The department shall notify the school district
32 in writing within forty-five calendar days that a student from the nonresident district is receiving education services pursuant to this
33 provision. The notice shall also contain the student's name, date of birth, disabling condition if available, and dates of service.

34 The invoice shall be paid within sixty days of billing, provided the department has provided a copy of the invoice to both the
35 superintendent and the finance office of the school district being invoiced. Should the school district fail to pay the invoice within
36 sixty days, the department can seek relief from the Department of Education. The Department of Education shall withhold EFA

1 funding equal to the billing from the district refusing to pay and submit the funding (equal to the invoice) to the department. If
2 adequate funding is not received, the department shall have the flexibility to use funds from other programmatic areas to maintain
3 an appropriate level of service.

4 **67.13.** (DJJ: Early Release Authorization) In order to avoid unconstitutional levels of overcrowding and other unconstitutional
5 conditions from occurring in facilities operated by the department and in residential programs operated for the department, the
6 number of children housed in residential placements (either committed to the custody of the Department of Juvenile Justice or who
7 are under the department's supervision) shall not exceed the number of beds available to the department to house them. Should
8 appropriation reductions necessitate that the department close any additional facility, program, or housing unit it operates, or to be
9 unable to fund any additional residential program operated for its benefit, the department is authorized and empowered to release
10 from its residential placements sufficient numbers of children committed to its custody or supervision for a status offense, a
11 misdemeanor offense, other than Assault and Battery of a High and Aggravated Nature and Assault with Intent to Kill, or for
12 violation of probation/contempt of a status offense or a misdemeanor offense, other than Assault and Battery of a High and
13 Aggravated Nature and Assault with Intent to Kill, so that the number of children in its custody or under its supervision and placed
14 in these residential placements does not exceed the number of housing units/beds available to properly house those children. No
15 child adjudicated delinquent for a violent crime as defined in Section 16-1-60 of the 1976 Code, a felony offense as defined in
16 Section 16-1-90 of the 1976 Code, or a sexual offense shall be released pursuant to this proviso.

17 **SECTION 70 - L360 - HUMAN AFFAIRS COMMISSION**

18
19
20 **70.1.** (HAC: Human Affairs Forum Carry Forward) All revenue derived from donations and registration fees received for
21 attendance at Human Affairs Forums shall be retained and carried forward and expended for the purpose of general operations of
22 the Human Affairs Commission.

23 **70.2.** (HAC: Training Revenue) All revenue derived from fees received from training and technical assistance provided by the
24 Human Affairs Commission to entities other than state agencies shall be retained, carried forward, and expended for the purpose of
25 general operations of the Human Affairs Commission.

26 **70.3.** (HAC: Revenue from Copying Fees) All revenue derived from providing requested copies of commission files, final
27 opinions, orders, and determinations shall be retained, carried forward, and expended for the purpose of general operations of the
28 Human Affairs Commission.

29 **SECTION 71 - L460 - COMMISSION FOR MINORITY AFFAIRS**

30
31
32 **71.1.** (CMA: Private Contributions and Sponsorship) Monies derived from private sources for agency research, forums,
33 training, and institutes may be retained and expended by the commission for the said purpose. Any remaining balance may be
34 carried forward and expended for the same purpose.

35 **71.2.** (CMA: Carry Forward Registration Fees) Revenue derived from registration fees received from training and institutes
36 may be retained and carried forward for the purpose of conducting future training and institutes.

1 **71.3.** (CMA: Carry Forward Grant Awards) Revenues pooled from public and private sources for the purpose of awarding
2 grants to address problems in the minority community may be retained and carried forward by the commission.

3 **71.4.** (CMA: Carry Forward Bingo Revenues) Bingo revenues received by the commission in the prior fiscal year pursuant to
4 Section 12-21-4200(3) of the 1976 Code which are not expended during that fiscal year may be carried forward to be expended in
5 the current fiscal year.

6 **71.5.** (CMA: Retention of Photocopy Fees) Revenue derived from photocopy fees and other fees related to Freedom of
7 Information Act requests from the general public may be retained and carried forward by the Commission.
8

9 **SECTION 73 - R060 - OFFICE OF REGULATORY STAFF**

10

11 **73.1.** (ORS: Transportation Fee Refund) The Transportation Department of the Office of Regulatory Staff is hereby authorized
12 to make refunds of fees which were erroneously collected.

13 **73.2.** (ORS: Assessment Certification) Office of Regulatory Staff shall certify to the Department of Revenue the amounts to
14 be assessed to cover appropriations in this section as follows: (1) the amount applicable to the assessment on public utility,
15 telephone utility, radio common carrier and electric utility companies as provided for by Section 58-4-60, Code of Laws of 1976,
16 (2) the amount to be assessed against gas utility companies as provided for in Section 58-5-940, Code of Laws of 1976, (3) the
17 amount to be assessed against electric light and power companies as provided for in Sections 58-4-60 and 58-27-50, Code of Laws
18 of 1976, and (4) the amount to be covered by revenue from motor transport fees as provided for by Section 58-23-630, and other
19 fees as set forth in Section 58-4-60, Code of Laws of 1976. The amount to be assessed against railroad companies shall consist of
20 all expenses related to the operations of the Railway subprogram of the Agency's Transportation Division, to include the related
21 distribution of salary increments and employer contributions not reflected in the related subprogram of this act as set forth in
22 Section 58-4-60, Code of Laws of 1976.

23 **73.3.** (ORS: Assessment Adjustments) If the Office of Regulatory Staff determines that a person or entity subject to Title 58
24 of the 1976 Code has been assessed an amount greater than that authorized by Sections 58-4-60, 58-3-100 and 58-3-540, the Office
25 of Regulatory Staff shall, at its discretion:

- 26 (a) refund the person or entity the amount of over collection using funds from the current fiscal year;
27 (b) refund the person or entity the amount of over collection using any unexpended funds from the prior fiscal year;
28 (c) credit the amount the person or entity will be assessed in the next fiscal year for the amount of over collection; or
29 (d) any combination of these.

30 The Office of Regulatory Staff, when determining the amount to be assessed in the next fiscal year, may take into consideration
31 any underpayment or overpayment by a person or entity during a given year. Any unexpended funds from revenue generated
32 pursuant to this section may be retained and carried forward and expended for the same purposes.

33 **73.4.** (ORS: SSEB Annual Dues) The annual dues of the Southern States Energy Board shall be paid from the Radioactive
34 Waste Operating Fund.
35

1 **SECTION 74 - R080 - WORKERS' COMPENSATION COMMISSION**
2

3 **74.1.** (WCC: Educational Seminar Revenue) All revenue earned from educational seminars shall be retained by the agency to
4 be used for the printing of educational materials and other expenses related to conducting the seminar.

5 **74.2.** (WCC: Retention of Filing Fees) The Workers' Compensation Commission is authorized to retain and expend all
6 revenues received as a result of a \$25.00 filing fee for each requested hearing, settlement, or motion. If it is determined that the
7 individual is indigent, this filing fee must be waived.
8

9 **SECTION 75 - R120 - STATE ACCIDENT FUND**
10

11 **75.1.** (SAF: Educational Seminar Revenue) The State Accident Fund is authorized to set and collect fees for educational
12 seminars. All revenue earned from educational seminars shall be retained by the agency and used for supplies, materials, and other
13 expenses relating to the seminars.
14

15 **SECTION 78 - R200 - DEPARTMENT OF INSURANCE**
16

17 **78.1.** (INS: Examiners Travel/Subsistence Reimbursement) Notwithstanding the limitations in this act as to amounts payable
18 or reimbursable for lodging, meals, and travel, the Department of Insurance is authorized to reimburse department examiners in
19 accordance with guidelines established by the National Association of Insurance Commissioners only when the State is reimbursed
20 by an insurance company for the travel and subsistence expenses of Insurance Department examiners pursuant to Section 38-13-10
21 of the 1976 Code.

22 **78.2.** (INS: Reimbursement Carry Forward) Reimbursements received for Data Processing Services, Revenue, Miscellaneous
23 Revenue and Sale of Listings and Labels shall be retained for use by the department. These funds may be carried forward in the
24 current fiscal year.

25 **78.3.** (INS: Fees for Licenses) The Department of Insurance shall be authorized to charge a twenty-five dollar initial producer
26 license fee; a twenty-five dollar biennial producer license renewal fee; and a two hundred-fifty dollar penalty fee for late
27 appointment renewals. The director shall specify the time and manner of payment of these fees. These fees shall be retained by
28 the department for the administration of Title 38.
29

30 **SECTION 79 - R230 - BOARD OF FINANCIAL INSTITUTIONS**
31

32 **79.1.** (FI: Supervisory Fees) The Board of Financial Institutions shall fix supervisory fees of banks, savings and loan
33 associations and credit unions on a scale which, together with fees collected by the Consumer Finance Division will fully cover the
34 total funds expended under this section.
35

SECTION 80 - R280 - DEPARTMENT OF CONSUMER AFFAIRS

80.1. (CA: Consumer Protection Code Violations Revenue) Funds, paid to the department in ~~settlement~~ *resolution* of cases involving violations of the South Carolina Consumer Protection Code and other statutes enforced by the department be retained and expended within the agency's budget to help offset the costs of investigating, prosecuting, and the administrative costs associated with these violations, may be carried forward and expended for the same purposes in the current fiscal year.

80.2. (CA: Student Athlete/Agents Registration) Funds received by the department of Consumer Affairs pursuant to registrations under Chapter 102, Title 59 of the 1976 Code may be retained by the department for its enforcement duties relating to athlete agents and student athletes under that chapter.

80.3. (CA: Expert Witness/Assistance Carry Forward) Unexpended encumbered appropriated funds for the Consumer Advocacy expert witness/assistance program (under Section 37-6-603) may be carried forward into the next fiscal year to meet contractual obligations existing at June thirtieth and not paid by July thirty-first.

80.4. (CA: Registered Credit Grantor Notification and Maximum Rate Filing Fees Retention) The Department of Consumer Affairs may retain all ~~Consumer Credit Grantor Notification~~ filing fees collected under ~~Section 37-6-203 and all Maximum Rate Schedules filing fees collected under Section 37-2-305 and Section 37-3-305~~ Chapters 2, 3 and 6, Title 37 of the 1976 Code. These fees shall be used to offset the cost of administering and enforcing ~~Chapters 2 and 3, Title 37 of the 1976 Code~~ and may be applied to the cost of operations. Unexpended balances may be carried forward for the prior fiscal year into the current fiscal year and be utilized for the same purposes.

80.5. (CA: Retention of Fees) For the current fiscal year, the department may retain all fees collected pursuant to Sections 39-61-80, 39-61-120, 40-39-120, and 44-79-80 of the 1976 Code. The funds retained shall be utilized to implement the requirements of the programs mandated by those sections of the code.

SECTION 81 - R360 - DEPARTMENT OF LABOR, LICENSING AND REGULATION

81.1. (LLR: Fire Marshal - Authorization to Charge Fees for Training) The Fire Academy may charge participants a fee to cover the cost of education, training programs, and operations. The revenue generated may be applied to the cost of operations, and any unexpended balance may be carried forward to the current fiscal year and utilized for the same purposes.

81.2. (LLR: Real Estate - Special Account) Revenue in the Real Estate Appraisal Registry account shall not be subject to fiscal year limitations and shall carry forward each fiscal year for the designated purpose.

81.3. (LLR: POLA - Ten Percent, Other Funds) The Professional and Occupational Offices in Program II.F. Professional and Occupational Licensing must remit annually an amount equal to ten percent of the expenditures to the general fund. The Contractor's Licensing Board must remit all revenues above their expenditures to the general fund. The revenue remitted by the Contractor's Licensing Board to the general fund includes the ten percent.

81.4. (LLR: Fire Marshal Fallen Firefighters Memorial) The Department of Labor, Licensing and Regulation - Division of the State Fire Marshal is authorized to accept gifts or grants of services, properties, or monies from individuals or public and private organizations to honor South Carolina firefighters who have died in the line of duty. All excess monies collected to erect a

1 memorial are to be placed in a fund for upkeep and maintenance. Any later contributions are to be used for upkeep and
2 maintenance.

3 **81.5.** (LLR: Firefighter Mobilization Project) The department is directed to utilize \$165,000 of the funds derived under
4 Section 2 of Act 1377 of 1968, as amended by Act 60 of 2001 from the tax of thirty-five one-hundredths percent imposed annually
5 on the gross premium receipts less premiums returned on canceled policy contracts and less dividends and returns of unabsorbed
6 premium deposits of all fire insurance companies doing business in the State to fund the Firefighter Mobilization Project.

7 **81.6.** (LLR: Match for Federal Funds) State appropriations to the Department of Labor, Licensing, and Regulation that are
8 required to provide match for federal grant programs in the prior fiscal year may be carried forward into the current fiscal year and
9 expended for the same purpose as originally appropriated.

10 **81.7.** (LLR: Flexibility) In order to provide maximum flexibility in absorbing the general fund reductions to the OSHA and
11 OSHA Voluntary Programs, the Department of Labor, Licensing, and Regulation shall be authorized to spend agency earmarked
12 and restricted accounts to maintain these critical programs previously funded with general fund appropriations. Any increase in
13 spending authorization for these purposes must receive the prior approval of the Executive Budget Office.

14 **81.8.** (LLR: Immigration Bill Funding Report) Prior to any funds carried forward from the prior fiscal year in Subfund 3135
15 being transferred to fund any other purpose, \$250,000 must be retained by the Department of Labor, Licensing, and Regulation to
16 fund the department's responsibilities under the South Carolina Illegal Immigration Reform Act. The department shall compile an
17 accountability report outlining expenditures of the Immigration Bill funding to be issued to the President Pro Tempore of the
18 Senate, the Chairman of the Senate Finance Committee, the Chairman of the Senate Finance Natural Resources and Economic
19 Development Subcommittee, the Speaker of the House of Representatives, the Chairman of the House Ways and Means
20 Committee, and the Chairman of the House Ways and Means Transportation and Regulatory Subcommittee. Said report must be
21 issued on the first Tuesday of February in the current fiscal year.

22 **81.9.** (LLR: Authorized Reimbursement) The Director of the Department of Labor, Licensing, and Regulation cannot
23 authorize reimbursement under Section 40-1-50(A) of the 1976 Code to members of any board listed in Section 40-1-40(B) for
24 meetings held at any location other than the offices of the department unless there has been a determination that the department is
25 unable to provide space for the meeting in a state-owned or leased facility in Richland or Lexington County.

26 **81.10.** (LLR: Illegal Immigration Hotline Assistance) Upon the request of the Commission on Minority Affairs, the Department
27 of Labor, Licensing, and Regulation shall provide assistance to establish and maintain a twenty-four hour toll free telephone
28 number and electronic website to receive, record, collect, and report allegations of violations of federal immigration laws or related
29 provisions of South Carolina law by any non-United States citizen or immigrant, and allegations of violations of any federal
30 immigration laws or related provisions in South Carolina law against any non-United States citizen or immigrant.

31 Such violations shall include, but are not limited to, E-Verify or other federal work authorization program violations, violations
32 of Chapter 83, Title 40 of the 1976 Code relating to immigration assistance services, or any regulations enacted governing the
33 operation of immigration assistance services, false or fraudulent statements made or documents filed in relation to an immigration
34 matter, as defined by Section 40-83-20, violation of human trafficking laws, as defined in Section 16-3-930, landlord tenant law
35 violations, or violations of any law pertaining to the provision or receipt of public assistance benefits or public services.

1 **81.11.** (LLR: Board of Pharmacy) The Board of Pharmacy must accept affidavits of practical experience from interns whose
 2 practical experience internships occurred in this State. The affidavit must provide that the supervising pharmacist and the site of
 3 experience is licensed and in good standing with the board and that the internship falls within the criteria for internships set by the
 4 board. The affidavit must be accompanied by a ten dollar fee to cover administrative costs associated with compliance with this
 5 proviso.

6 **81.12.** (LLR: Office of State Fire Marshal - Clothing) The Department of Labor, Licensing, and Regulation is authorized to
 7 purchase and issue clothing to the non-administrative staff of the Office of the State Fire Marshal that are field personnel working
 8 in a regulatory aspect and/or certified to be a resident state fire marshal.

9 ***81.13.** (LLR: Amusement Park Rides) *For the current fiscal year, the Department of Labor, Licensing, and Regulation*
 10 *may not enforce provisions contained in Chapter 18, Title 41 of the 1976 Code, relating to amusement park rides, against*
 11 *open-wheel motorsport vehicles, karts, superkarts, gearbox or shifter karts, or go karts used for racing at speeds in excess of*
 12 *fifty miles per hour.*

13 14 **SECTION 82 - R400 - DEPARTMENT OF MOTOR VEHICLES**

15
16 **82.1.** (DMV: Federal, Other Flow Through Funds) In order to complete projects begun in a prior fiscal year, the Department
 17 of Motor Vehicles is authorized to expend federal and earmarked funds in the current fiscal year for expenditures incurred in the
 18 prior fiscal year.

19 **82.2.** (DMV: Cost Recovery Fee/Sale of Photos or Digitized Images) The Department of Motor Vehicles may collect
 20 processing fees and fees to recover the costs of the production, purchase, handling and mailing of documents, publications, records
 21 and data sets. The amount charged by the Department of Motor Vehicles for any fees collected pursuant to this proviso may not
 22 exceed the rates that the department charged as of February 1, 2001. The Department of Motor Vehicles may not sell, provide or
 23 otherwise furnish to private parties, copies of photographs, whether digitized or not, taken for the purpose of a driver's license or
 24 personal identification card. Photographs and digitized images from a driver's license or personal identification card are not
 25 considered public records. Funds derived from these sources shall be retained by the department.

26 **82.3.** (DMV: DPPA Compliance Audit) The Department of Motor Vehicles may charge fees to defray the costs associated
 27 with auditing and enforcing compliance of all Federal or State statutes and regulations pertaining to personal information for
 28 customers receiving information disseminated by the department as allowed by law. This provision does not pertain to state
 29 agencies. The Comptroller General shall place the funds into a special restricted account to be used by the department.

30 **82.4.** (DMV: Underutilized Offices) The Director of the Department of Motor Vehicles is authorized to develop and
 31 implement a plan to reduce the hours of operation in underutilized DMV field offices; however the legislative delegation of the
 32 county in which the affected field office is located must be notified prior to implementation of the plan. In addition, the director
 33 shall review field offices which have a high volume of traffic to determine whether it would be beneficial to expand the hours of
 34 operation.

35 ~~**82.5.** (DMV: Five Year Eye Exam Suspension) For the current fiscal year, Section 56-1-220(B), relating to the requirement~~
 36 ~~for a vision screening certificate during the fifth year of a ten-year driver's license, is suspended.~~

1 **82.6.** (DMV: Activities Allowed on Special Restricted Driver's License) In the current fiscal year, employing funds
 2 authorized or appropriated to the Department of Motor Vehicles pursuant to Section 82, Part IA of this act, the department must
 3 include employment, school, church-related or sponsored activities, and parentally approved sports activities in the categories for
 4 which it may waive or modify restrictions in the special restricted driver's license for certain minors. The licensee must provide
 5 the department a statement of the purpose of the waiver or modification of restrictions executed by the parents or legal guardian of
 6 the licensee and documents executed by church representatives and/or representatives of the sports entity for which the waiver is
 7 being requested.

8 **82.7.** (DMV: General Fund Balance Carry Forward) The Department of Motor Vehicles may carry forward any unexpended
 9 general fund balance from the prior fiscal year and expend those funds in the current fiscal year.

10 **82.8.** (DMV: Phoenix III Migration Pilot) In Fiscal Year ~~2017-18~~ 2018-19, the department shall be authorized to expend ~~up to~~
 11 the remainder of the \$1,000,000 authorized in the prior fiscal year from any available other earmarked cash balances to conduct a
 12 proof-of-concept pilot for Phoenix III development and data migration. Funds may be expended only upon review and approval of
 13 the Department of Administration through the IT project governance process established by proviso 117.119.

14 **82.9.**(DMV: Real ID) For Fiscal Year ~~2017-18~~ 2018-19, the Department of Motor Vehicles may expend any available
 15 earmarked cash reserves, with the exception of the ~~\$1,000,000~~ funds designated for the Phoenix III pilot, on the implementation of
 16 Real ID.

17 18 **SECTION 83 - R600 - DEPARTMENT OF EMPLOYMENT AND WORKFORCE**

19
20 **83.1.** (DEW: ~~Consortium Contracts: Training Development Sessions and Media Services~~ Business Intelligence Division
 21 Program Contracts) All earmarked funds collected for the ~~LMI Training Development Sessions; Media Services and~~ Business
 22 Intelligence Division Program Contracts through the Department of Employment and Workforce may be retained by the agency to
 23 be used for the exclusive purpose of operating these programs. All funds not expended in the prior fiscal year may be carried
 24 forward for use in the current fiscal year.

25 **83.2.** (DEW: Federal and Earmarked Prior Year Payments) The Department of Employment and Workforce shall be allowed
 26 to pay federal and earmarked prior year obligations with current year funds.

27 **83.3.** (DEW: Transparency of Funding Appropriation) In order to promote accountability and transparency, the Department of
 28 Employment and Workforce must provide and release to the public via the agency's website, a report of all aggregate amounts of
 29 taxes, fees and payments that were charged, collected and paid by that state agency in the prior fiscal year. For the purpose of
 30 efficiency and conservation of resources, this report shall be incorporated into the Trust Fund Report due by October first as
 31 required by Section 41-33-45 of the 1976 Code. In addition to the requirements of Section 41-33-45, the Trust Fund Report shall
 32 include, but not be limited to: (1) SUTA taxes collected per Tier; (2) unemployment benefit claims paid; (3) how many
 33 unemployment claims were made in error; (4) loan repayments made to the federal government; and (5) the amount of funds left in
 34 the agency's account at the end of the fiscal year. The report must be posted online by October first of the current fiscal year.
 35 Additionally, the report must be delivered to the Chairman of the Senate Finance Committee and the Chairman of the House Ways

1 and Means Committee by October first. Funds appropriated to and/or authorized for use by the department shall be used to
2 accomplish this directive.

3 **83.4.** (DEW: Negotiation of Interest) For the current fiscal year and upon final repayment of all Title XII advances from the
4 Federal Unemployment Account received by the state beginning in December of 2008, any interest assessment funds received by
5 the Department of Employment and Workforce Interest Assessment Fund pursuant to Section 41-33-810 of the 1976 Code shall be
6 transferred to the Unemployment Compensation Fund.

7 **83.5.** (DEW: UI Tax System Modernization) The Department of Employment and Workforce is authorized to expend up to
8 ~~\$1,743,930~~ \$3,178,053 of funds made available to the State under Section 903 of the United States Social Security Act, as
9 amended. The funds must be used under the direction of the Department of Employment and Workforce, for the purpose of
10 acquiring software, equipment, and necessary services to replace the agency's unemployment tax information system with a
11 modern technology solution. No part of the funds herein authorized may be obligated after a two-year period beginning on July 1,
12 ~~2017~~ 2018. The amount obligated pursuant to this provision shall not at any time exceed the amount by which (a) the aggregate of
13 amounts transferred to the accounts of the State pursuant to Section 903 of the Social Security Act exceeds (b) the aggregate of the
14 amounts obligated for administration and paid out for administration and paid out for benefits and required by law to be charged
15 against the amounts transferred to the account of this State.

16 **83.6.** (DEW: Employment Training Outcomes Data Sharing) ~~The Department of Employment and Workforce, in developing~~
17 the Workforce and Labor Market Information System (WLMIS) improvements required of the Workforce Innovation and
18 Opportunity Act (WIOA) (P.L. 113-128), ~~will require~~ requires integration of training and employment data for the purposes of
19 improving ~~longitudinal~~ assessment of employment outcomes for the various training providers eligible to receive funding
20 appropriated or authorized by this Act.

21 ~~—(A) As the entity with authority for the oversight and maintenance for the WLMIS, the department shall establish a Governance~~
22 ~~Policy for the management, development, security, partner collaboration, and sharing responsibilities no later than July 1, 2017.~~

23 ~~(B A) No later than July 1, 2017, the~~ The department must ~~develop a model~~ enter into a data-sharing agreement with eligible
24 training providers (ETPs) prior to the ETP entering student data into the Palmetto Academic Training Hub (PaTh). ~~As specified~~
25 ~~by the WIOA Act, this agreement will require ETPs to~~ will submit data related to the types of training programs offered, individual
26 student coursework, including personal identifying information (PII) to match training, employment data and performance
27 outcomes, program completion and time to complete, and program costs, as outlined in federal guidance ~~and tuition assistance. It~~
28 ~~will further require reporting of personally identifiable information (PII) to match training and employment data to determine~~
29 ~~placement in companies and jobs by the North American Industry Classification (NAIC) System and Standard Occupation~~
30 ~~Classification (SOC) System and other information necessary for the department to accurately and completely assess the~~
31 ~~effectiveness and return on investment of all training programs offered by the entity.~~

32 ~~—(C) No later than July 1, 2017, the department must develop a model data-sharing agreement with the Department of Education,~~
33 ~~the Center for Educator Recruitment, Retention and Advancement, and the Education Oversight Committee, the Vocational~~
34 ~~Rehabilitation Department, and the Commission on Higher Education to capture and match data as enumerated in item (B) of this~~
35 ~~provision. This agreement will ensure collaborative sharing of matched data with each partner agency for the purpose of program~~
36 ~~assessment and effectiveness in compliance with state and federal laws.~~

1 ~~—(D) The department and the South Carolina Student Loan Corporation shall, by July 1, 2017, enter into a data sharing~~
 2 ~~agreement to determine the average debt load carried by individuals who participate in training programs with eligible training~~
 3 ~~providers. This agreement will ensure collaborative sharing of matched data for the purpose of program assessment and~~
 4 ~~effectiveness in compliance with state and federal laws.~~

5 ~~—(E) No later than July 1, 2017, the department must develop a model data sharing agreement with the Department of Social~~
 6 ~~Services to capture data related to New Hire status and social service data and with the Department of Labor, Licensing and~~
 7 ~~Regulation to capture licensing and licensing related data. This agreement will ensure collaborative sharing of matched data for~~
 8 ~~the purpose of program assessment and effectiveness in compliance with state and federal laws.~~

9 ~~—The Department of Employment and Workforce shall submit copies of the data sharing agreements to the Chairman of the~~
 10 ~~Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Labor,~~
 11 ~~Commerce and Industry Committee, and the Chairman of the House Labor, Commerce and Industry Committee.~~

12 (B) State agencies needing data from DEW must meet an exception permitting disclosure, pursuant to 20 C.F.R. Part 603.
 13 Prior to providing data to a state agency, DEW must enter into a data sharing agreement with the requesting state agency, as
 14 described in 20 C.F.R. Part 603. Requesting state agencies must identify a need in the administration of the official duties of the
 15 department data, as required by 20 C.F.R. Part 603. The department shall charge state agencies for costs, as described in federal
 16 and state law, for the data sharing requests.

17 18 **SECTION 84 - U120 - DEPARTMENT OF TRANSPORTATION**

19
20 **84.1.** (DOT: Expenditure Authority Limitation) The Department of Transportation is hereby authorized to expend all cash
 21 balances brought forward from the previous year and all income including all federal funds, unexpended general funds and
 22 proceeds from bond sales accruing to the Department of Transportation, but in no case shall the expenditures of the Department of
 23 Transportation exceed the amount of cash balances brought forward from the preceding year plus the amount of all income
 24 including federal funds, general funds and proceeds from bond sales.

25 **84.2.** (DOT: Special Fund Authorization) The Department of Transportation with the approval of the State Treasurer, is
 26 hereby authorized to set up with the State Treasurer such special funds out of the Department of Transportation funds as may be
 27 deemed advisable for proper accounting purposes.

28 **84.3.** (DOT: Secure Bonds & Insurance) The Department of Transportation is hereby authorized to secure bonds and
 29 insurance covering such activities of the department as may be deemed proper and advisable, due consideration being given to the
 30 security offered and the service of claims.

31 **84.4.** (DOT: Benefits) Employees of the Department of Transportation shall receive equal compensation increases, health
 32 insurance benefits and employee bonuses provided in this act for employees of the State generally. The amount will be funded
 33 from Department of Transportation funding sources.

34 **84.5.** (DOT: Document Fees) The Department of Transportation is hereby authorized to establish an appropriate schedule of
 35 fees to be charged for copies of records, lists, bidder's proposals, plans, maps, etc. based upon approximate actual costs and
 36 handling costs of producing such copies, lists, bidder's proposals, plans, maps, etc.

1 **84.6.** (DOT: Meals in Emergency Operations) The Department of Transportation may provide meals to employees of the
2 department who are not permitted to leave assigned duty stations and are required to work during deployment, emergency
3 simulation exercises, and when the Governor declares a state of emergency.

4 **84.7.** (DOT: Rest Area Water Rates) For the current fiscal year, rest areas of the Department of Transportation shall be
5 charged in-district water rates by providers of water and sewer services, unless the rate currently charged by the provider is less
6 than in-district rates.

7 **84.8.** (DOT: Shop Road Farmers Market Bypass Carry Forward) Unexpended funds appropriated for the Shop Road Farmers
8 Market Bypass may be carried forward into the current fiscal year and expended for the matching requirement for the widening and
9 expansion of Leesburg Road from Fairmont to Wildcat Road (Lower Richland roads-Phase I).

10 **84.9.** (DOT: Bridge Replacement in McCormick County) Planning and construction on a new U.S. 378 bridge crossing Lake
11 J. Strom Thurmond must provide for and allow McCormick County to affix water lines to the new bridge just as the water lines are
12 affixed to the existing bridge. McCormick County shall bear the cost of affixing the water lines to the new bridge.

13 **84.10.** (DOT: Project Priority List) From the funds appropriated to the department, the Department of Transportation
14 Commission project priority lists, as required under Act 114 of 2007, shall be published in a conspicuous place on the department's
15 website in a manner easily accessible to the public. The priority lists shall be accompanied by the associated engineering directives
16 explaining the ranking process and methodology for applying the commission approved criteria.

17 ***84.11.** *(DOT: CTC Project Expansion) Of the funds distributed to County Transportation Committees (CTC), no more*
18 *than twenty percent may be utilized for ancillary initiatives that improve the areas adjacent to roads under their jurisdiction for*
19 *economic development or safety purposes. Ancillary initiatives may include, but are not limited to, drainage improvements,*
20 *signage, lighting, sidewalks and other safety or economic-development related projects. If a CTC expends funds pursuant to*
21 *this provision, the CTC must document the anticipated results on economic development or safety relative to the project.*

22 **84.12.** (DOT: General Fund Balance Carry Forward) The Department of Transportation may carry forward any unexpended
23 general fund balance from the prior fiscal year and expend those funds in the current fiscal year.

24 **84.13.** (DOT: Reimbursement for Vehicle Damage) Of the funds appropriated to the Department of Transportation, the
25 department must develop direct internet access from the department's home page to any document or claim form that may be used
26 by the public to seek reimbursement for vehicle damages caused by poor road conditions. The department must post a link to the
27 documents or claim forms on the department's home page in a prominent, easily viewed location.

28 ***84.14.** *(DOT: Rest Areas Contractual Payments) The Department of Transportation is directed to ensure that firms the*
29 *department contracts with to perform services at South Carolina Rest Areas pay their employees for performing such services in*
30 *a timely manner. If the department determines that the contracted firm does not pay these employees in a timely manner, the*
31 *department shall delay the next contractual payment to the firm by the same number of days that payment to its contracted*
32 *employees was delayed.*

33

1 **SECTION 85 - U150 - INFRASTRUCTURE BANK BOARD**
2

3 **85.1.** (IBB: Board Meeting Coverage) Of the funds authorized for the State Transportation Infrastructure Bank Board, the
4 Bank must provide live-streamed coverage of all Board meetings to ensure transparency and access for the public. The board
5 meetings shall be recorded and archived and made available on the South Carolina Transportation Infrastructure Bank's website.
6

7 **SECTION 87 - U300 - DIVISION OF AERONAUTICS**
8

9 **87.1.** (AERO: Reimbursement for Services Carry Forward) The Division of Aeronautics may retain and expend
10 reimbursements derived from charges to other government agencies for service and supplies for operating purposes and that a
11 reserve not to exceed \$300,000 may be carried forward to the current fiscal year for the replacement of time limit aircraft
12 components.

13 **87.2.** (AERO: Office Space Rental) Revenue received from rental of Division of Aeronautics office space may be retained and
14 expended to cover the cost of building operations.

15 **87.3.** (AERO: Funding Sequence) All General Aviation Airports will receive funding prior to the four air carrier airports (i.e.
16 Columbia, Charleston, Greenville-Spartanburg, Myrtle Beach Jetport) as these qualify for special funding under the DOT/FAA
17 appropriations based on enplanements in South Carolina. This policy may be waived to provide matching state funds for critical
18 FAA safety or capacity projects at air carrier airports.

19 **87.4.** (AERO: Hangar/Parking Facilities) The Division of Aeronautics will provide hangar/parking facilities for government
20 owned and/or operated aircraft on a first come basis. Funds shall be retained by the division for the purpose of hangar and parking
21 facility maintenance. The Hangar Fee Schedule shall be determined by the division and shall not exceed local average market
22 rates.

23 Personnel from the agencies owning and/or operating aircraft will be responsible for ground movement of their aircraft.

24 **87.5.** (AERO: Aviation Grants) The funds appropriated for Aviation Grants, in this bill or any bill supplemental thereto, shall
25 be credited to the State Aviation Fund within the Division of Aeronautics for the following purposes:

26 (1) to allow the maximization of grant funds available through the Federal Aviation Administration for capital improvement
27 projects;

28 (2) for maintenance projects of general aviation airports; and or

29 (3) for aviation education related programs including, but not limited to, educating young people about careers in the
30 aviation industry and/or the promotion of aviation in general.

31 Sponsors of publicly owned airports for public use are eligible to receive grants pursuant to this provision, but the airport must
32 have a current development plan that meets the planning requirements of the National Plan of Integrated Airports Systems.

33 The Aeronautics Commission shall promulgate regulations establishing the grants program that, at a minimum, address: (1)
34 priorities among improvements qualifying for grants; (2) an airport selection process to ensure an equitable distribution of funds
35 among eligible airports; and (3) the criteria for distribution of funds among eligible airports.

1 Enabling airport sponsors to meet basic Federal Aviation Administration safety guidelines for obstruction clearance must be a
2 major factor in the priority guidelines established by the Aeronautics Commission pursuant to this provision. The Commission
3 also shall have discretion consistent with Section 55-5-170 of the 1976 Code to establish a program to grant Aviation Fund dollars
4 for these purposes at the ratio of eighty percent from the fund to twenty percent from the local airport sponsor, or any ratio with a
5 smaller relative contribution from the fund.

6 A report on the expenditure of these funds shall be submitted to the Senate Finance Committee and the House Ways and Means
7 Committee.

8 Unspent funds from the prior fiscal year may be carried forward to the current fiscal year and spent for like purposes.
9

10 **SECTION 88 - Y140 - STATE PORTS AUTHORITY**

11

12 **88.1.** (SPA: Charleston Cooper River Bridge Project) The State Ports Authority shall, from other general fund or operating
13 fund surplus available and any funds appropriated to the authority in prior fiscal years and left unexpended as of July 1, ~~2017~~ 2018,
14 pay to the State Transportation Infrastructure Bank one million dollars before June 30, ~~2018~~ 2019, to continue the Charleston
15 Cooper River Bridge Project.

16 **88.2.** (SPA: Georgetown Port Marketing) The State Ports Authority will continue its cargo diversification strategy which
17 enhances the marketing of all terminal capabilities in Charleston and Georgetown highlighting cruise, breakbulk, bulk, and roll
18 on/roll-off.

19 **88.3.** (SPA: Harbor Deepening Reserve Fund) The State Ports Authority shall maintain the Harbor Deepening Reserve Fund.
20 This fund shall be separate and distinct from the General Fund and interest accrued by the fund must remain in the fund. This fund
21 must be used exclusively by the South Carolina Ports Authority for the activities associated with deepening the state's harbors.
22 Prior to expending any amount from the fund, the State Ports Authority must present a comprehensive plan for the use of the fund
23 for harbor deepening to the Joint Bond Review Committee for review and comment. These funds shall be carried forward from the
24 prior fiscal year into the current fiscal year and must be used for the same purpose.

25 **88.4.** (SPA: Georgetown Port Maintenance Dredging Fund) The State Ports Authority shall maintain the Georgetown Port
26 Maintenance Dredging Fund and any funds appropriated in this act for this purpose shall be deposited into this account. This fund
27 shall be separate and distinct from the General Fund and the Harbor Deepening Reserve Fund and interest accrued by the fund
28 must remain in the fund. This fund must be used exclusively by the South Carolina Ports Authority for the activities associated
29 with the maintenance dredging of the Port of Georgetown. Prior to expending any amount from the fund, the State Ports Authority
30 must present a comprehensive plan for the use of the fund for maintenance dredging to the Joint Bond Review Committee for
31 review and comment. These funds shall be carried forward from the prior fiscal year into the current fiscal year and must be used
32 for the same purpose.

33 ~~**88.5.** (SPA: Jasper Ocean Terminal Permitting) Of the funds allocated to the Ports Authority in Fiscal Year 2016-17 for the~~
34 ~~Jasper Ocean Terminal Permitting, \$1,000,000 is designated for a contract for the permitting process that was previously scheduled~~
35 ~~to be handled by the Corps of Engineers. This funding may not be expended by the Ports Authority until a contract is executed.~~
36 ~~Additionally, any funds not committed by this contract must be returned to the General Fund at the end of Fiscal Year 2017-18.~~

SECTION 91 - A990 - LEGISLATIVE DEPARTMENT

91.1. (LEG: Legislative Employee Designations) The positions included in this section designated (P) shall denote a permanent employee and the salary is an annual rate. The positions designated (T) shall denote a temporary employee and the salary is for a period of six months to be paid at that rate only while the General Assembly is in session. The positions designated as (Interim) shall denote a temporary employee and the salary is for a period of six months to be paid at that rate while the General Assembly is not in session. The positions designated (PTT) shall denote part-time temporary employees on a twelve-months basis. The positions designated (PPT) shall denote permanent part-time employees retained for full-time work for a period of months or the duration of the legislative session.

91.2. (LEG: Legislative Employee BPI/Merit) Legislative employees designated (P) or (PPT) shall receive base pay and average merit pay in the same manner as such pay is granted to classified state employees, but for purposes of this paragraph, the term “legislative employees” does not include employees of the House of Representatives. From the funds appropriated for Employee Pay Increases, the Speaker of the House and the President Pro Tempore of the Senate shall determine the amount necessary for compensation of the employees of the House and Senate.

91.3. (LEG: Interim Expenses Allowance) The Chairman of the Standing House and Senate Committees shall each be allowed the sum of six hundred and fifty dollars for expenses during the interim, between sessions of the General Assembly, to be paid from the House or Senate approved accounts, with each body paying the expense allowance of the chairman in its membership. The Speaker of the House is authorized to approve not more than six hundred and fifty dollars for expenses during the interim for Chairmen of the Standing Committees of the House.

91.4. (LEG: Subsistence/Travel Regulations) (A) Members of the General Assembly shall receive subsistence for each legislative day that the respective body is in session and in any other instance in which a member is allowed subsistence expense. No member of the General Assembly except those present are eligible for subsistence on that day. Legislative day is defined as those days commencing on the regular annual convening day of the General Assembly and continuing through the day of adjournment sine die, excluding Friday, Saturday, Sunday, and Monday.

(B) Standing Committees of the Senate and House of Representatives are authorized to continue work during the interim; however, House members must receive advanced approval by the Speaker of the House and Senate members must receive advanced approval by the President Pro Tempore of the Senate or Standing Committee Chairman to meet. If such advanced approval is not received, the members of the General Assembly shall not be paid the per diem authorized in this provision. When certified by the Speaker of the House, President Pro Tempore of the Senate, or Standing Committee Chairman, the members serving on such committees shall receive a subsistence and mileage at the rate provided for by law, and the regular per diem established in this act for members of boards, commissions, and committees while attending scheduled meetings. Members may elect to receive actual expenses incurred for lodging and meals in lieu of the allowable subsistence expense. The funds for allowances specified in this proviso shall be paid to the members of the Senate or House of Representatives from the Approved Accounts of the respective body except as otherwise may be provided.

1 (C) Joint Study Committees created pursuant to Acts and Resolutions of the General Assembly are authorized to continue work
2 during the interim to secure such information and complete such investigations as may be assigned to the respective committees;
3 however, House members must receive advanced approval by the Speaker of the House and Senate members must receive
4 advanced approval by the President Pro Tempore of the Senate or Standing Committee Chairman to meet. If such advanced
5 approval is not received, the House and Senate members of the Joint Study Committee shall not be paid the per diem authorized in
6 this provision. When certified by the appropriate authority, the members appointed to such committees shall receive a subsistence
7 and mileage at the rate provided for by law, and the regular per diem established in this act for members of boards, commissions,
8 and committees while attending scheduled meetings. Members may elect to receive actual expenses incurred for lodging and
9 meals in lieu of the allowable subsistence expense. The allowances specified in this proviso shall be paid from funds appropriated
10 to the respective committees for such purposes, or from Approved Accounts of the respective body of the General Assembly if no
11 funds have been appropriated to such a committee for these purposes.

12 (D) Members of the Senate and the House of Representatives when traveling on official State business shall be allowed a
13 subsistence and transportation expenses as provided for by law, and the regular per diem established in this act for members of
14 boards, commissions, and committees upon approval of the appropriate chairman. When traveling on official business of the
15 Senate or the House of Representatives not directly associated with a committee of the General Assembly, members shall be paid
16 the same allowance upon approval of the President Pro Tempore of the Senate or the Speaker of the House of Representatives. In
17 either instance, the members may elect to receive actual expenses incurred for lodging and meals in lieu of the allowable
18 subsistence expense. The funds for the allowances specified in this proviso shall be paid from the Approved Accounts of the
19 Senate or the House of Representatives or from the appropriate account of the agency, board, commission, task force or committee
20 upon which the member serves.

21 (E) Members of the House of Representatives shall not be reimbursed for per diem, subsistence, or travel in connection with
22 any function held outside of the regular session of the General Assembly unless prior approval has been received from the Speaker
23 of the House.

24 (F) Notwithstanding any other provision of law, subsistence and mileage reimbursement for members of the General Assembly
25 shall be the level authorized by the Internal Revenue Service for the Columbia area. Provided, in calculating the subsistence
26 reimbursement for members of the General Assembly the reimbursement rate for the lodging component shall be the average daily
27 rate for hotels in the Columbia Downtown area as defined by the Columbia Metro Convention and Visitor's Bureau for the
28 preceding fiscal year.

29 **91.5.** (LEG: Senate Voucher Approval) All payroll vouchers, disbursement vouchers, and interdepartmental transfers of the
30 Senate shall only require the approval of the Clerk of the Senate.

31 **91.6.** (LEG: Supplies Approval) All supplies for the Senate shall be purchased only upon the authority of the Clerk of the
32 Senate and all supplies for the House of Representatives shall be purchased only upon the authority of the Clerk of the House.

33 **91.7.** (LEG: House Pages) Up to one hundred forty-four Pages may be appointed pursuant to House policies and procedures
34 and they shall be available for any necessary service to the House of Representatives.

35 **91.8.** (LEG: Senate Research Personnel Compensation) Senate Research personnel other than Directors of Research and the
36 committee research staff shall be paid from funds appropriated for Senate Research at the direction of the Clerk of the Senate.

1 **91.9.** (LEG: Contract for Services) The Standing Committees of the Senate may, upon approval of the President Pro Tempore,
2 contract with state agencies and other entities for such projects, programs, and services as may be necessary to the work of the
3 respective committees. Any such projects, programs, or services shall be paid from funds appropriated for contractual services.

4 **91.10.** (LEG: Jt. Leg. Committee Operational Authorization) Only the Joint Legislative Committees for which funding is
5 provided herein are authorized to continue operating during the current fiscal year under the same laws, resolutions, rules or
6 regulations which provided for their operations during the prior fiscal year.

7 **91.11.** (LEG: Legislative Carry Forward) In addition to the funds appropriated in this section, the funds appropriated under Part
8 IA, Sections 91A, 91B, 91C, 91D, and 91E for the prior fiscal year which are not expended during that fiscal year may be carried
9 forward to be expended for the same purposes in the current fiscal year.

10 **91.12.** (LEG: Senate Expenditures/O&M Committee) Notwithstanding any limitation or other provisions of law to the contrary,
11 funds expended by the Senate for salary adjustments, professional fees and dues, and necessary expenses, supplies, and equipment
12 for Senate employees, must be paid from funds appropriated to the Senate Operations and Management Committee and funds
13 available in approved accounts of the Senate, and shall be authorized and allocated in such manner as determined by the Senate
14 Operations and Management Committee. From the funds annually allocated to each Senator and Representative for postage and
15 telephone, \$250 may be used to purchase American and State flags.

16 **91.13.** (LEG: In-District Compensation) All members of the General Assembly shall receive an in-district compensation of
17 \$1,000 per month.

18 **91.14.** (LEG: Additional House Support Personnel) The House Operations and Management Committee shall determine
19 procedures and policies for the administration and operation of the Legislative Aide program and the House Operations and
20 Management Committee shall manage the program. Appropriations to the House of Representatives in Part IA shall fund the
21 program.

22 **91.15.** (LEG: House Postage) The Speaker of the House is authorized to approve no more than \$700 per member per fiscal year
23 for postage.

24 **91.16.** (LEG: Legislative Dual Employment) Each committee and joint legislative committee provide a list to the members of
25 the General Assembly of all employees who hold dual positions of state employment.

26 **91.17.** (LEG: Code of Law Reimbursement) The Legislative Council may require reimbursement from public sector recipients
27 except for the General Assembly of its cost of acquiring codes of law, supplements, or replacement volumes distributed to them.

28 **91.18.** (LEG: Statewide Acts Availability) From the funds appropriated in Part IA, Section 91D of this act, for the current fiscal
29 year the clerks of the House of Representatives and the Senate are to make all statewide Acts available to the public electronically.
30 The provisions of this section are in lieu of the House and Senate Clerks' duties related to the printing and mailing of acts as set
31 forth in Sections 2-13-190, 2-13-210, and 11-25-640 through 11-25-680 of the 1976 Code.

32 **91.19.** (LEG: LAC Matching Federal Funds) The Legislative Audit Council is authorized to use funds appropriated in this act
33 as state matching funds for federal funds available for audits and reviews. The council is also authorized to charge state agencies
34 for federal funds, if available, for the costs associated with audits and reviews. Agencies shall remit the federal funds to the
35 Legislative Audit Council as reimbursement for the costs of audits and reviews.

1 **91.20.** (LEG: Other Funds Oversight Committee) There is created a joint committee of the Senate and of the House of
2 Representatives entitled the Other Funds Oversight Committee. The committee shall consist of eight members as follows: the
3 Chairman of the Senate Finance Committee, or his designee; one member of the Senate Finance Committee appointed by the
4 Chairman of the Senate Finance Committee; the Chairman of the House of Representatives Ways and Means Committee, or his
5 designee; one member of the House Ways and Means Committee appointed by the Chairman of the House Ways and Means
6 Committee; the Senate Majority Leader, or his designee; the Senate Minority Leader, or his designee; the House Majority Leader,
7 or his designee; and the House Minority Leader, or his designee.

8 The committee shall review and examine the source of other funds in this State and recommend to the General Assembly the
9 appropriate policy for the receipt, appropriation, expenditure, and reporting of other funds. In making its determination, the
10 committee shall solicit and receive testimony from state agencies, departments, boards or commissions regarding the status of the
11 receipt of other funds, the conditions of receipt, the expenditure of other funds, and any relevant statistic or measurement. The
12 committee shall make recommendations to the General Assembly regarding any necessary action.

13 The Executive Budget Office must notify the committee of any request for an increase in interim budget authorization resulting
14 from other funds collections that is made by any state agency, department, board, or commission. The committee shall review each
15 request and recommend appropriate action.

16 Members of the committee shall serve without compensation, but are allowed the usual per diem and mileage as provided by law
17 for members of boards, commissions, and committees while on official business.

18 For purposes of the proviso, 'other funds' means any revenues received by an agency which are not federal funds and are not
19 general funds appropriated by the General Assembly in the appropriations act.

20 **91.21.** (LEG: DMV Audit Review) For the current fiscal year, the provisions of Section 56-1-5(F) are suspended. Any savings
21 generated by not conducting the review shall be used to conduct audits required by Section 2-15-60 of the 1976 Code.

22 **91.22.** (LEG: Electronic Correspondence) For the current fiscal year, the House of Representatives may not expend any funds
23 for the printing or mailing of bills, summaries, committee agendas, etc. to committee members. The House of Representatives
24 shall send all relevant information concerning committee meetings to committee members via electronic means.

25 **91.23.** (LEG: Technology Panel) Of the funds appropriated in the Department of Education's program VIII.D. for Technology
26 the K-12 Technology Initiative partnership shall provide a report to the House Education and Public Works Committee, the House
27 Ways and Means Committee, the Senate Education Committee and the Senate Finance Committee, describing the state's efforts to
28 facilitate the cost effective provision of connectivity and internet bandwidth to schools and libraries on a statewide basis, regardless
29 of location, activities to assist schools and libraries in minimizing and detecting internet security threats, the development and
30 utilization of technological and online resources to support student development and achievement, the development and utilization
31 of curriculum and professional training to support the use of instructional technology in schools and libraries, and other educational
32 technology related activities engaged in by the partnership. Further, the report must detail information on the expenditure of the
33 K-12 Technology funds by each district as well as a list of the districts requesting flexibility in the use of those funds. The report
34 shall be submitted no later than June 1, ~~2018~~ 2019.

35 **91.24.** (LEG: Legislative Department Applicability) For purposes of this act and any other provision of law that would have
36 any effect on the expenditure of state revenue through the applicability of the particular provision or through compliance with a

1 mandate or requirement of the provision, the terms “state agency” or “agency” do not include any component of the Legislative
2 Department unless the provision of law specifically includes these entities and the inclusion only applies for purposes of the
3 particular provision.

4 **91.25.** (LEG: Requested Information) The departments, bureaus, officers, commissions, institutions, and other agencies or
5 undertakings of the State, upon request, shall immediately furnish to President Pro Tempore of the Senate or the Speaker of the
6 House of Representatives in such form as he may require, any information requested in relation to their respective affairs or
7 activities.

8 **91.26.** (LEG: Lawsuit Party of Interest) When the Lieutenant Governor is named as a party to a lawsuit challenging actions
9 taken by the Senate, the President Pro Tempore shall be automatically substituted as the party representing the Senate as the
10 Lieutenant Governor is not a party in interest. Upon being served with the lawsuit, the Lieutenant Governor shall immediately
11 notify the President Pro Tempore of the Senate and the Clerk of the Senate. Upon receiving notice from the Lieutenant Governor,
12 the President Pro Tempore shall notify the court and the plaintiff/petitioner that the President Pro Tempore of the Senate is
13 invoking the provisions of this proviso and substituting himself as the party representing the Senate. The Court shall make
14 necessary changes to the caption of the lawsuit and otherwise. However, the provisions of this proviso are not effective if the
15 actions challenged are solely the actions taken by the Lieutenant Governor. The provisions contained in this proviso do not apply
16 to actions filed before, or otherwise pending, as of the effective date of this act.

17 **SECTION 92 - D210 - OFFICE OF THE GOVERNOR**

18
19
20 **92.1.** (GOV: Governor’s Office Budget) All other provisions of law notwithstanding, the Executive Control of State section
21 and Mansion and

22 Grounds section shall be treated as a single budget section for the purpose of transfers and budget reconciliation.

23 **92.2.** (GOV: Mansion and Grounds Budget) The Governor’s Office of Mansion and Grounds shall not exceed ten percent of
24 its quarterly allocation of funds so as to provide for agency operations on a uniform basis throughout the fiscal year.

25 **92.3.** (GOV: Mansion and Grounds Maintenance and Complex Facilities) Revenue collected from rental of Mansion Complex
26 facilities and grounds must be retained and expended by the Governor’s Office, Mansion and Grounds to support its operations.
27 Unexpended funds shall be carried forward from the prior fiscal year into the current fiscal year and be utilized for the same
28 purposes.

29 **92.4.** (GOV: Use of Funds Report) In order to ensure transparency and accountability, the Governor’s Office of Executive
30 Control of State shall report quarterly to the Senate Finance Committee and House Ways and Means Committee on financial
31 transactions that have taken place between Executive Control of State and Mansion and Grounds. These transactions shall include,
32 but are not limited to, any transfer of funds or payments or reimbursements for services rendered. For each transfer, payment, or
33 reimbursement the report must specify the amount, the reason for, or circumstance that necessitated the transaction, and the source
34 of funds used. In the event federal or other funds were utilized, the source from which the revenue was generated must also be
35 included. The report must be submitted as soon after the end of each quarter as practicable.

36

SECTION 93 - D500 - DEPARTMENT OF ADMINISTRATION

93.1. (DOA: Developmental Disabilities Council) Of the funds appropriated to the Department of Administration, Office of Executive Policy and Programs, \$50,000 must be used as state match for the Developmental Disabilities Council federal grant. These funds shall be excluded from the Department of Administration's base budget calculation of any across-the-board agency base reductions mandated by the Executive Budget Office or General Assembly.

93.2. (DOA: CCRS Evaluations & Placements) The amount appropriated in this section under Special Items Children's Case Resolution System for Private Placement of Handicapped School-Age Children must be used for expenses incurred in the evaluation of children referred to the CCRS to facilitate appropriate placement and to pay up to forty percent when placement is made in-state and up to thirty percent when placement must be made out-of-state of the excess cost of private placement over and above one-per-pupil share of state and local funds generated by the Education Finance Act, and the one-per-pupil share of applicable federal funds; provided it has been established that all other possible public placements are exhausted or inappropriate. The balance of funding responsibility necessary to provide the child with services must be determined by the Children's Case Resolution System (CCRS) and apportioned among the appropriate public agencies on the basis of the reasons for the private placement. When the amount appropriated in this section is exhausted, the funding responsibility must be apportioned according to the procedures of the CCRS.

93.3. (DOA: CCRS Significant Fiscal Impact) In accordance with Section 20-7-5240(e) of the 1976 Code, "significant fiscal impact" in the current fiscal year shall be defined for each designated agency as the greater of (1) funds appropriated by the General Assembly for the current fiscal year on cases referred to, decided or placed through the Children's Case Resolution System or (2) that agency's assigned shares in the current fiscal year of five cases decided by the Children's Case Resolution System.

93.4. (DOA: Victim/Witness Program Formula Distribution) If funds in the South Carolina Victims' Compensation Fund exceed the amount required to operate the State Office of Victims Assistance and pay claims of crime victims the first \$650,000 of such excess must be used for Victim/Witness programs by distribution to Judicial Circuits based on a formula and criteria developed by the policy committee, and otherwise subject to requirements of Section 60.8.

93.5. (DOA: Physical Abuse Examinations) Of the funds appropriated in this section for Victims' Rights, up to \$120,000 may be expended for physical abuse examinations.

93.6. (DOA: Foster Care-Private Foster Care Reviews) The Department of Administration, Office of Executive Policy and Programs, Division of Foster Care is authorized to restructure its programs, including but not limited to, suspending reviews of children privately placed in private foster care and/or changing the location of reviews of children in public foster care, to maintain continuous operations within existing resources as dictated by recent budget reductions. These decisions must be based upon the availability of existing funds. This provision supersedes any previous statutory or regulatory mandate.

93.7. (DOA: Guardian Ad Litem Program) Both the program and the funds appropriated to the Department of Administration, Office of Executive Policy and Programs, Division of Children's Services, Guardian ad Litem Program must be administered separately from other programs within the Division of Children's Services and must be expended for the exclusive use of the Guardian ad Litem Program.

1 For the current fiscal year, the Department of Revenue is directed to reduce the rate of interest paid on eligible refunds by two
2 percentage points. The revenue resulting from this reduction must be used exclusively for operations of the Guardian ad Litem
3 program and be deposited in the State Treasury in a separate and distinct fund known as the "South Carolina Guardian ad Litem
4 Trust Fund." Unexpended revenues in this fund carry forward to succeeding fiscal years, and earnings in this fund must be
5 credited to it. The Guardian ad Litem program may carry forward the other funds authorized herein for its operations from the
6 prior fiscal year into the current fiscal year.

7 **93.8.** (DOA: Continuum of Care Carry Forward) The Department of Administration, Office of Executive Policy and
8 Programs, Division of Continuum of Care may carry forward funds appropriated herein to continue services.

9 **93.9.** (DOA: Procuring Services) In order to maximize services for victims of crime, if the fulfilling of requirements pursuant
10 to Section 16-3-1410 of the 1976 Code, necessitates hiring any outside entities, the State Office of Victims' Assistance must follow
11 procedures established by the SC Consolidated Procurement Code. Any entity contracting with the agency will submit an annual
12 report by August first to the Governor's Office and to the Chairmen of the Senate Finance Committee and House Ways and Means
13 Committee detailing expenditures from the prior fiscal year in accordance with the State Office of Victims' Assistance. The
14 Governor's Office of Executive Policy and Programs is directed to transfer \$122,032 of the funds carried forward from the prior
15 fiscal year in the Victims' Compensation Fund, and up to \$41,892 from general funds from Program III.C.1 to pay for any
16 contracts or services procured.

17 **93.10.** (DOA: M.J. "Dolly" Cooper Veterans Cemetery Carry Forward) The Department of Administration, Office of Executive
18 Policy and Programs, Veterans' Affairs Program may carry forward unexpended funds appropriated and/or authorized for the M.J.
19 "Dolly" Cooper Veterans Cemetery from the prior fiscal year and shall use such funds for the same purpose. In addition, any
20 unexpended funds in the Veterans' Affairs Program, including Special Line Items, shall be carried forward from the prior fiscal
21 year into the current fiscal year and used for operation of the M.J. "Dolly" Cooper Veterans Cemetery. Funds carried forward in
22 excess of the amount needed for the operation of the Cemetery may be used for other expenses of the Veterans' Affairs Program.
23 Funds carried forward may not be transferred to any other Department of Administration programs.

24 **93.11.** (DOA: Crime Victims Ombudsman) For the current fiscal year, the State Office of Victims Assistance shall transfer
25 \$116,000 to the Crime Victims Ombudsman's Office to be used for administrative and operational support.

26 **93.12.** (DOA: Veterans' Affairs Budget Reduction Exemption) Funds appropriated for the Department of Administration,
27 Office of Executive Policy and Program, Veterans' Affairs Program shall be excluded from the Department of Administration's
28 base budget in the calculation of any across-the-board agency base reductions mandated by the Executive Budget Office or General
29 Assembly.

30 **93.13.** (DOA: State House Operation & Maintenance Account) Funds appropriated to the Department of Administration - for
31 State House Maintenance & Operations & Renovations must be set aside in a separate account for the operation and maintenance
32 of the State House. The department shall report annually to the State House Committee on the amount expended from this fund.

33 **93.14.** (DOA: Compensation - Reporting of Supplemental Salaries) No supplement shall be paid to an agency's employee
34 unless the agency head or designated official of the employing agency, or in the case of supplements paid to college and university
35 presidents, their board of trustees, has approved the conditions and amount of salary supplement. Any compensation, excluding
36 travel reimbursement, from an affiliated public charity, foundation, clinical faculty practice plan, or other public source or any

1 supplement from a private source to the salary appropriated for a state employee and fixed by the State must be reported by the
2 employing agency to the Department of Administration. The report must include the employee's base salary, amount of the
3 supplement, source of the supplement, and any condition of the supplement. The employing agency must report this information
4 on or before August thirty-first of each year and must include the total amount and source of the salary supplement received by the
5 employee during the preceding fiscal year (July first through June thirtieth). The Department of Administration shall formulate
6 policies and procedures to ensure compliance with the reporting provisions of this proviso. Copies of the reports shall be made
7 available to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee, upon
8 request.

9 **93.15.** (DOA: Compensation Increase - Appropriated Funds Ratio) Appropriated funds may be used for compensation increases
10 for classified and unclassified employees and agency heads only in the same ratio that the employee's base salary is paid from
11 appropriated sources.

12 **93.16.** (DOA: Local Provider Health Insurance) The local health care providers of the Department of Disabilities and Special
13 Needs shall be awarded funding increases as prescribed for state agencies to cover the employer's share for the cost of providing
14 health and dental insurance to their employees.

15 **93.17.** (DOA: Military Service) Notwithstanding the provisions of Section 8-11-610 of the 1976 Code, a permanent full-time
16 state employee who serves on active duty as a result of an emergency or conflict declared by the President of the United States, and
17 performs such duty, may use up to forty-five days of accumulated annual leave and may use up to ninety days of accumulated sick
18 leave in a calendar year as if it were annual leave.

19 **93.18.** (DOA: First Responder Interoperability) The Department of Administration is directed to administer and coordinate First
20 Responder Interoperability operations for the statewide Palmetto 800 radio system to better coordinate public safety disaster
21 responses and communications. First Responder Interoperability administration and coordination shall be funded as provided in
22 this act. The cost-proportional funds shall be utilized for radio user fees of state agencies and public safety first responders (Fire,
23 EMS and Law Enforcement) that participate in the statewide Palmetto 800 radio system (Palmetto 800 participants). The
24 Department of Administration, in consultation with the State Law Enforcement Division, the Department of Public Safety, and the
25 State Emergency Management Division, and a representative of the South Carolina Sheriff's Association, shall set a baseline
26 number of radios used by each Palmetto 800 participant based on the technical aspects of the Palmetto 800 radio system and the
27 jurisdictional requirements of the participant. If a Palmetto 800 participant reduces the baseline number of radios in use, the
28 amount of funds allocated for the participant's radio user fees shall be reduced in a proportional amount. The funds shall also be
29 utilized to provide private county and city radio systems with grant funds to be used for purchases of equipment that support
30 interoperability with the statewide Palmetto 800 radio system and its users. Grant funds shall be allocated to private county and
31 city radio systems based on the criteria used for Palmetto 800 Participants and in amounts proportional to the amounts allocated to
32 support the per-site radio user fees of Palmetto 800 participants. A matching share is required by a Palmetto 800 participant or by
33 a private county or city radio system in order to qualify for receipt of funds pursuant to this proviso. Each fiscal year the
34 Department of Administration shall establish the level of match required based upon funding provided by this act. These entities
35 shall be required to furnish such documentation as may be required by the department to verify that the matching funds
36 requirement is met. Upon funding state agency and public safety first responder user fees and private county and city equipment

1 purchases, any remaining funds may be used to enhance and expand the statewide Palmetto 800 radio system. All funds shall be
2 held in a separate account established by the department for the purposes set forth herein. Any unexpended portion of these funds
3 may be carried forward and used for the same purpose. In the calculation of any across-the-board budget reduction mandated by
4 the Executive Budget Office or General Assembly, the amount appropriated to the Department of Administration for First
5 Responder Interoperability must be excluded from the department's base budget.

6 The Department of Administration shall provide a report on the status of the integration of the statewide Palmetto 800 radio
7 system which shall include, but not be limited to, a list of entities who are not integrated into the system as of the end of the
8 immediately preceding fiscal year and the reason why they are not integrated. The report shall be submitted by October first, of the
9 current fiscal year to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

10 **93.19.** (DOA: Sale of Surplus Real Property) Up to fifty percent of the proceeds, net of selling expenses, from the sale of
11 surplus real properties shall be retained by the Department of Administration and used for the deferred maintenance of state-owned
12 buildings. The remaining fifty percent of the net proceeds shall be returned to the agency that the property is owned by, under the
13 control of, or assigned to and shall be used by that agency for nonrecurring purposes. This provision applies to all state agencies
14 and departments except: institutions of higher learning; the Public Service Authority; the Ports Authority; the MUSC Hospital
15 Authority; the Myrtle Beach Air Force Redevelopment Authority; the Department of Transportation; the Columbia State Farmers
16 Market; the Department of Agriculture's Columbia Metrology Lab building and property; the Charleston Naval Complex
17 Redevelopment Authority; the Department of Commerce's Division of Public Railways; the Midlands Technical College
18 Enterprise Campus Authority; the Trident Technical College Enterprise Campus Authority; the Commissioners residence at the
19 Department of Corrections and the Educational Television Commission's Key Road property.

20 The Educational Television Commission shall be authorized to retain the net proceeds from the sale of its property on Key Road,
21 and such proceeds may be used for the renovation of the ETV Telecommunications Center and other maintenance and operating
22 expenses. If it is determined that sufficient net proceeds are not to be derived from the sale of its property on Key Road to cover
23 the cost of all renovations of the Telecommunications Center, the property on Key Road shall not be sold. Any proposed sale
24 hereunder shall, prior to said sale, be submitted to the Department of Administration for approval as being in compliance with the
25 requirements of this subsection.

26 The Department of Corrections shall be authorized to retain the net proceeds from the sale of the residence provided for the
27 Commissioner of the Department of Corrections and use such proceeds for deferred maintenance needs at the Department of
28 Corrections.

29 The Forestry Commission shall be authorized to retain the net proceeds from the sale of surplus land for use in firefighting
30 operations and replacement of firefighting equipment.

31 The Department of Natural Resources shall be authorized to retain the net proceeds from the sale of existing offices originally
32 purchased with a federal grant or with restricted revenue from hunting and fishing license sales for the improvement, consolidation,
33 and/or establishment of regional offices and related facilities.

34 ~~The Department of Vocational Rehabilitation shall be authorized to retain the net proceeds from the sale of 3.205 acres located~~
35 ~~at 22861 Highway 76 East in Clinton, South Carolina to be used for capital projects and deferred maintenance.~~

1 The Department of Agriculture, the Educational Television Commission, the Department of Corrections, the Department of
2 Natural Resources, the Forestry Commission, and the Department of Vocational Rehabilitation shall annually submit a report,
3 within sixty days after the close of the fiscal year, to the Senate Finance Committee and the House Ways and Means Committee on
4 the status of the sale of the identified property and a detailed accounting on the expenditure of funds resulting from such sale.

5 This provision is comprehensive and supersedes any conflicting provisions concerning disposition of state-owned real property
6 whether in permanent law, temporary law or by provision elsewhere in this act.

7 Any unused portion of these funds may be carried forward into succeeding fiscal years and used for the same purposes.

8 **93.20.** (DOA: Cyber Security) All state agencies must adopt and implement cyber security policies, guidelines and standards
9 developed by the Department of Administration. The department may conduct audits on state agencies except public institutions of
10 higher learning, technical colleges, political subdivisions, and quasi-governmental bodies as necessary to monitor compliance with
11 established cyber security policies, guidelines and standards. Upon request, public institutions of higher learning, technical
12 colleges, political subdivisions, and quasi-governmental bodies shall submit sufficient evidence that their cyber security policies,
13 guidelines and standards meet or exceed those adopted and implemented by the department. In addition, while agencies retain the
14 primary responsibility and accountability for ensuring responses to breach incidents comply with federal and state laws, the
15 department shall be informed of all agency cyber security breaches, and is authorized to oversee incident responses in a manner
16 determined by the department to be the most prudent. Upon request of the Department of Administration for information or data,
17 all agencies must fully cooperate with and furnish the department with all documents, reports, assessments, and any other data and
18 documentary information needed by the department to perform its mission and to exercise its functions, powers and duties. The
19 Judicial and Legislative Branches are specifically exempt from the requirements set forth herein.

20 **93.21.** (DOA: Holidays) When a legal holiday specified in Section 53-5-10 of the 1976 Code falls on Sunday, the following
21 Monday and when a holiday specified in that section falls on Saturday, the preceding Friday next preceding is deemed a public
22 holiday for all of the purposes. If either the following Monday or the preceding Friday is also a legal holiday, then the State
23 Human Resources Director will designate the day upon which the legal holiday will be observed by state employees. To insure
24 that no more than the legal holidays specified in Section 53-5-10 are observed in the calendar year, a New Year's Day that falls on
25 Saturday must be observed on the following Monday. All bills of exchange, checks, and promissory notes which would otherwise
26 be presentable for acceptance or payment on a Monday or Friday observed as a holiday pursuant to this section are deemed
27 presentable for acceptance or payment on the secular or business day succeeding the holiday.

28 **93.22.** (DOA: Nuclear Advisory Council) The Office of Regulatory Staff shall reimburse the Department of Administration for
29 travel expenses associated with the Governor's Nuclear Advisory Council from the SC Energy Office's radioactive waste funds.

30 **93.23.** (DOA: Office of Victim Assistance) For the current fiscal year, The State Office of Victim Assistance may enter into
31 memoranda of agreement with third-party victim service providers to secure emergency medical, transportation, or other crisis
32 stabilization services on a reimbursable basis. Such agreements shall not allow for more than eight percent of the total
33 reimbursement to cover a provider's administrative, marketing, and advocacy costs. Annually, and no later than October first of
34 each year, the State Office of Victim Assistance shall report to the Governor, the Chairman of Senate Finance Committee, and the
35 Chairman of House Ways and Means Committee on the performance of third-party providers and the use of funds authorized
36 pursuant to this provision in the prior fiscal year.

1 ~~—93.24. (DOA: Emerging Leaders Program) (A) With the funds appropriated to the Office of Human Resources, the Department~~
2 ~~of Administration shall establish an Emerging Leaders Program (ELP) that is designed to identify and develop the next generation~~
3 ~~of South Carolina state government's leaders by attracting and/or retaining imminent or recent graduates of relevant~~
4 ~~post baccalaureate programs to careers in public service. In order to cultivate effective and innovative leaders with demonstrated~~
5 ~~problem-solving capabilities, the program shall be cohort based and require participants to complete rotations in a variety of~~
6 ~~functional roles that focus on budgeting, policymaking, operations/service delivery, and other appropriate/elective fields. These~~
7 ~~rotations shall be augmented by and interspersed with classroom based modules on organizational behavior, decision making~~
8 ~~processes, principles of leadership, and other appropriate topics. The program's ultimate design shall reflect the department's~~
9 ~~assessment of best practices in both public sector and private sector management and/or leadership development programs.~~

10 ~~—(B) Plans for the program shall be completed in time for the first cohort of participants to be selected by June 30, 2018.~~

11 **93.25. (DOA: Sale of Port Royal) (A)** Within thirty days of the transfer of the real and personal property at Port Royal to the
12 Department of Administration pursuant to Section 54-3-700 of the 1976 Code, from the funds appropriated to the department, the
13 department must order a new appraisal for the property, which shall be the appraisal to which Section 54-3-700(C)(3) applies. The
14 appraisal must be conducted in strict accordance with Section 54-3-700(D), and the department, or the appraisal itself, must
15 demonstrate that the appraisal was conducted accordingly. Upon the completion of the appraisal, the department must publish the
16 appraisal, in its entirety, on the website maintained by the department. Also, the department shall make the appraisal available to
17 any interested party.

18 (B) Beginning on the first day of the first month beginning thirty days after the completion of the appraisal, the department shall
19 list the property for sale at public auction. The auction shall close ninety days thereafter. If the department is unable to close the
20 sale of the property to the highest qualifying bidder, the department must sell the property to the second highest qualifying bidder if
21 the bidder is willing to close at the same bid amount. If the department is unable to close the sale of the property to the second
22 highest qualifying bidder, the department shall continue this process until it has exhausted all qualifying bidders. For purposes of
23 this section, a qualifying bid is a bid that meets the requirements of Section 54-3-700(C)(3).

24 (C) Upon the transfer of the real and personal property at Port Royal to the Department of Administration pursuant to Section
25 54-3-700, the State Ports Authority, and any of its representatives, are divested of any authority, control, jurisdiction, or legal
26 standing in regards to the property.

27 **93.26. (DOA: State Victim Assistance Program)** A county or municipality may retain carry forward funds that were collected
28 pursuant to Sections 14-1-206 (B) and (D), 14-1-207 (B) and (D), 14-1-208 (B) and (D), and 14-1-211 (B) of the 1976 Code, but
29 no more than \$25,000 or ten percent of funds collected in the prior fiscal year, whichever is higher. If a county or municipality
30 does not spend at least ninety percent of the funds collected pursuant to Sections 14-1-206 (B) and (D), 14-1-207 (B) and (D),
31 14-1-208 (B) and (D), and 14-1-211 (B) on Article 16, Chapter 3, Title 16 first priority and/or second priority programs during the
32 fiscal year that the funds are received then the county or municipality shall remit any unspent funds that are greater than the
33 allowed carried forward funds, regardless of the year collected, to the State Victim Assistance Program (SVAP) with the
34 Department of Public Safety, Office of Highway Safety and Justice Programs within 120 days after the end of the fiscal year. All
35 funds must be accounted for in the annual audit for each county or municipality.

1 SOVA shall offer training and technical assistance to each municipality and county annually on acceptable use of both priority
2 one and priority two funds and funds available for competitive bid.

3 SOVA is authorized to transfer to the State Victim Assistance Program housed in the Department of Public Safety any state
4 funds deemed available under SOVA authority to be placed in the competitive bid process.

5 The State Victim Assistance Program shall offer any funds remitted to it to non-profit organizations that provide direct victim
6 services on a competitive bid process. These funds may be used by the non-profit for administrative costs and victim services.

7 **93.27.** (DOA: QECB Allocation) From the funds appropriated to the department, the director of the Department of
8 Administration shall develop and implement a plan to utilize the state's remaining Qualified Energy Conservation Bond allocation
9 to fund energy conservation projects on state-owned buildings and other eligible capital expenditures that benefit state agencies.

10 11 **SECTION 94 - D250 - OFFICE OF INSPECTOR GENERAL**

12
13 **94.1.** (OIG: Coordination with State Auditor) The State Inspector General will prepare an annual report to the Chairmen of the
14 House Ways and Means Committee and the Senate Finance Committee and the Governor detailing all written referrals of fraud,
15 waste, and abuse from the State Auditor and all corresponding actions taken by the State Inspector General.

16 17 **SECTION 95 - E040 - OFFICE OF THE LIEUTENANT GOVERNOR**

18
19 **95.1.** (LTG: State Matching Funds Carry Forward) Any unexpended balance on June thirtieth of the prior fiscal year of the
20 required state matching funds appropriated in Part IA, Section 95, Distribution to Subdivisions, shall be carried forward into the
21 current fiscal year to be used as required state match for federal funds awarded to subdivisions on or before September thirtieth of
22 the current fiscal year.

23 **95.2.** (LTG: State Match Funding Formula) Of the state funds appropriated under "Distribution to Subdivisions", the first
24 allocation by the Office on Aging shall be for the provision of required State matching funds according to the Office on Aging
25 formula for distributing Older Americans Act funds. The balance of this item shall be distributed to the planning and service areas
26 of the State. In the event state appropriations are reduced, reductions to the planning and service areas shall be based on amounts
27 distributed in accordance with the previous requirements.

28 **95.3.** (LTG: Registration Fees) The Office on Aging is authorized to receive and expend registration fees for educational,
29 training and certification programs.

30 **95.4.** (LTG: Council Meeting Requirements) The duties and responsibilities, including the statutory requirement to hold
31 meetings of the Coordinating Council established pursuant to Section 43-21-120 and of the Long Term Care Council established
32 pursuant to Section 43-21-130, both under the Office on Aging in the Office of the Lieutenant Governor, are suspended for the
33 current fiscal year.

34 **95.5.** (LTG: Home and Community-Based Services) State funds appropriated for Home and Community-Based Services shall
35 be used to fund those services that most directly meet the goal of allowing seniors to live safely and independently at home.
36 Allowable services as defined in the Lieutenant Governor's State Plan include: group dining, home delivered meals, transportation

to group dining sites, transportation for essential trips, personal care (formerly Home Care Level I), homemaker (formerly Home Care Level II), Home Chore, Home Modification, Legal Assistance, and Assessments. Area Agencies on Aging (AAAs) may expend no more than ten percent for administrative services and one-quarter of one percent shall be retained by the Lieutenant Governor's Office on Aging to provide monitoring and oversight of the program. However, up to three percent of the annual state appropriation for Home and Community-Based Services may be retained at the Lieutenant Governor's Office on Aging to be allocated by the Lieutenant Governor's Office on Aging to the affected regions in cases of an emergency and/or natural disaster recognized by the Governor. If these funds are not utilized in the fiscal year allocated, they are to be treated as carry forward funds and reallocated to the AAAs. The Interstate Funding Formula shall be used as a guideline for the allocation of state funds appropriated for Home and Community-Based Services. The Lieutenant Governor's Office on Aging shall develop and implement a structured methodology to allocate the state Home and Community-Based Services funding. The methodology shall include flexibility to reallocate funds amongst the AAAs, and be composed of, at a minimum, the following factors: a minimum base amount, the fiscal year's federally allocated funds, federal and state carry forwards funds, and an appropriate weighted proportion that will achieve the mission of the Lieutenant Governor's Office on Aging to provide as many services as possible to the citizens of South Carolina. Each AAA shall submit a budget for approval by the Lieutenant Governor's Office on Aging indicating the services to be provided. Any unexpended Home and Community-Base Services funds in this program shall be carried forward by the Lieutenant Governor's Office on Aging and used for the same purposes. Funds may not be transferred from the Home and Community-Based special line item for any other purpose.

95.6. (LTG: Geriatric Loan Forgiveness Program) In lieu of quarterly payments to a recipient of the Geriatric Loan Forgiveness Program, the Lieutenant Governor's Office on Aging is authorized to make a single lump sum payment to the lending institution of up to \$35,000 or the loan balance, whichever is less.

Any unexpended balance on June thirtieth of the prior fiscal year of funds appropriated in Part IA, Section 95, Geriatric Physician Loan Program, shall be carried forward and used for the same purpose as originally appropriated.

95.7. (LTG: Caregivers Carry Forward) Unexpended funds from appropriations to the Lieutenant Governor's Office on Aging for caregivers shall be carried forward from the prior fiscal year and used for the same purpose.

95.8. (LTG: Vulnerable Adult Guardian ad Litem Carry Forward) Any unexpended funds from appropriation to the Lieutenant Governor's Office on Aging for the Vulnerable Adult Guardian ad Litem Program shall be carried forward from the prior fiscal year and used for the same purpose.

SECTION 96 - E080 - OFFICE OF SECRETARY OF STATE

96.1. (SS: UCC Filing Fees) Revenues from the fees raised pursuant to Section 36-9-525(a), not to exceed \$180,000, may be retained by the Secretary of State for purposes of UCC administration.

96.2. (SS: Charitable Funds Act Disclosure Violations) The Secretary of State shall refer to the Attorney General for investigation under Section 33-56-145 of the Solicitation of Charitable Funds Act any person who is alleged to have violated the mandatory disclosure requirements of Section 33-56-90 of the Act, and who has been fined \$10,000 or more for those violations.

1 **96.3.** (SS: Charitable Funds Act Misrepresentation Violations) The Secretary of State shall refer to the Attorney General for
2 investigation under Section 33-56-145 of the Solicitation of Charitable Funds Act any person who is alleged to have violated the
3 misrepresentation provisions of Section 33-56-120 of the Act, and who has been fined \$10,000 or more for those violations.
4

5 **SECTION 97 - E120 - OFFICE OF COMPTROLLER GENERAL**
6

7 **97.1.** (CG: Signature Authorization) The Comptroller General is hereby authorized to designate certain employees to approve,
8 in his stead, disbursement documents authorizing payment, and the State Treasurer is hereby authorized to accept such approved
9 disbursement documents when notified by the Comptroller General. This provision shall in no way relieve the Comptroller
10 General of responsibility.

11 **97.2.** (CG: GAAP Implementation & Refinement) It is the intent of the General Assembly that the State of South Carolina
12 issue financial statements in conformance with Generally Accepted Accounting Principles (GAAP). To this end, the Comptroller
13 General is directed, as the State Accounting Officer, to maintain an Enterprise Information System for State Government (SCEIS)
14 that will result in proper authorization and control of agency expenditures, including payroll transactions, and in the preparation
15 and issuance of the official financial reports for the State of South Carolina. Under the oversight of the General Assembly, the
16 Comptroller General is given full power and authority to issue accounting policy directives to state agencies in order to comply
17 with GAAP. The Comptroller General is also given full authority to conduct surveys, acquire consulting services, and implement
18 new procedures required to implement fully changes required by GAAP.

19 **97.3.** (CG: Payroll Deduction Processing Fee) There shall be a fee for processing payroll deductions, not to exceed
20 twenty-five cents, for insurance plans, credit unions, deferred compensation plans, benefit providers, and professional associations
21 per deduction per pay day. This fee shall not be applied to charitable deductions. Vendors and other third parties receiving payroll
22 deductions shall bear the entire cost of this fee, at no cost to state employees. The revenues generated from these fees and those
23 provided for child support deductions in accordance with Section 63-17-1460(C), South Carolina Code of Laws, 1976, as amended,
24 may be used to support the operations of the Office of Comptroller General and any unexpended balance may be carried forward
25 from the prior fiscal year to the current fiscal year and utilized for the same purposes.

26 **97.4.** (CG: Unemployment Compensation Fund Administration) The lesser of two percent or \$200,000 of the fund balance of
27 the Unemployment Compensation Fund shall be paid out annually to the Office of Comptroller General to be used by that agency
28 to recover the costs of administering the fund. The Unemployment Compensation Fund is provided for in Section 41-31-820,
29 South Carolina Code of Laws, 1976, as amended. Any unexpended balance may be carried forward from the prior fiscal year to
30 the current fiscal year and used for the same purposes.

31 **97.5.** (CG: Purchasing Card Rebate Program) The Office of Comptroller General is authorized to retain the first \$100,000 of
32 rebate associated with the Purchasing Card Program and \$200,000 of agency incentive rebates.

33 The funds retained may be used to support the operations of the Office of Comptroller General and any unexpended balance may
34 be carried forward from the prior fiscal year into the current fiscal year and be utilized for the same purposes.

SECTION 98 - E160 - OFFICE OF STATE TREASURER

98.1. (TREAS: Nat'l. Forest Fund - Local Govt. Compliance) In order to conform to federal requirements local governments receiving distributions of National Forest Fund revenues are required to report annually to the State Treasurer indicating compliance with authorized purposes.

98.2. (TREAS: STARS Approval) Decisions relating to the Statewide Accounting and Reporting System (STARS) and the South Carolina Enterprise Information System (SCEIS) which involve the State Treasurer's Banking Operations and other functions of the State Treasurer's Office shall require the approval of the State Treasurer.

98.3. (TREAS: Investments) The State Treasurer may pool funds from accounts for investment purposes and may invest all monies in the same types of investments as set forth in Section 11-9-660.

98.4. (TREAS: Management Fees) The State Treasurer is authorized to charge a fee for the operating and management costs associated with the Local Government Investment Pool, the Deferred Compensation Program, the Tuition Prepayment Program, and the College Investment Program and is further authorized to retain and expend the fees to provide these services. The fees assessed may not exceed the cost of the provision of such services.

98.5. (TREAS: Investment Management Fees) Unless otherwise prohibited by law, the State Treasurer may charge a fee for the operating and management costs associated with the investment management and support operations of various state funds and programs, and further, may retain and expend the fees to provide these services. The fees assessed may not exceed the actual cost of the provision of these services or the earnings on these investments.

98.6. (TREAS: Debt Management Cost Allocation) Unless otherwise prohibited by law, the State Treasurer may charge actual costs associated with the administration and management of the indebtedness of the State, its agencies and institutions, and further, may retain and expend any amounts so allocated to provide these services. Costs associated with the original issuance of bonds and other indebtedness must be assessed on an hourly basis, must be taken from the costs of issuance of any bond issue or other indebtedness, and must not exceed the actual cost of providing these services. Ongoing costs of administration and maintenance must be assessed against expenses of debt service, and must not exceed the actual costs of providing these services.

98.7. (TREAS: Withheld Accommodations Tax Revenues) Before noncompliant expenditures and penalties withheld pursuant to Sections 6-4-35(B)(1)(a) and (b) are reallocated, the Tourism Expenditure Review Committee must certify to the Office of State Treasurer that the time period for an appeal of the committee's action to the Administrative Law Court has expired or that the action of the committee has been upheld or overturned by the Administrative Law Court. Noncompliant expenditures and penalties withheld must be reallocated annually after August first. Allocations withheld must be reallocated proportionately based on the most recent completed fiscal year's total statewide collections of the accommodations tax revenue according to the Office of State Treasurer records. Each annual reallocation of withheld funds to non-offending counties and municipalities must be calculated separately then combined if necessary. Each reallocation to a county or municipality calculated less than a dollar must be transferred to the General Fund of the State.

98.8. (TREAS: Tuition Prepayment Program) The South Carolina Tuition Prepayment Program shall not accept any new enrollment in the current fiscal year. The annual increase in tuition for the purposes of the Tuition Prepayment Program, for an institution cannot exceed seven percent per year from the 2006-07 level. To the extent that actual tuition for an institution exceeds

1 an annual growth of seven percent per year since Fiscal Year 2006-07, colleges and universities must grant a waiver of the
2 difference to the designated beneficiary and shall not pass along this difference to any student.

3 **98.9.** (TREAS: Penalties for Non-reporting) If a municipality fails to submit the audited financial statements required under
4 Section 14-1-208 of the 1976 Code to the State Treasurer within thirteen months of the end of their fiscal year, the State Treasurer
5 must withhold all state payments to that municipality until the required audited financial statement is received.

6 If the State Treasurer receives an audit report from either a county or municipality that contains a significant finding related to
7 court fine reports or remittances to the Office of State Treasurer, the requirements of Proviso 117.51 shall be followed if an amount
8 due is specified, otherwise the State Treasurer shall withhold twenty-five percent of all state payments to the county or
9 municipality until the estimated deficiency has been satisfied.

10 If a county or municipality is more than ninety days delinquent in remitting a monthly court fines report, the State Treasurer
11 shall withhold twenty-five percent of state funding for that county or municipality until all monthly reports are current.

12 After ninety days, any funds held by the Office of State Treasurer will be made available to the State Auditor to conduct an audit
13 of the entity for the purpose of determining an amount due to the Office of State Treasurer, if any.

14 **98.10.** (TREAS: Signature Authorization) The State Treasurer is hereby authorized to designate certain employees to sign
15 payments for the current fiscal year in accordance with Section 11-5-140 of the 1976 Code to meet the ordinary expenses of the
16 State. This provision shall in no way relieve the State Treasurer of responsibility.

17 **98.11.** (TREAS: Unclaimed Property) The State Treasurer may not expend funds to retain a third party, private sector auditor,
18 or auditing firms to fulfill his duties pursuant to the South Carolina Uniform Unclaimed Property Act on a contingency basis or any
19 basis other than an hourly basis, with the exception that the State Treasurer may join other state(s) in multi-state contingent fee
20 auditors' examinations, not to include companies whose parent company is headquartered or incorporated in South Carolina, when
21 there is a reason to believe that those companies being audited are holding funds belonging to South Carolina citizens. The Office
22 of State Treasurer shall retain \$200,000 from the Unclaimed Property Program for the sole purpose of employing internal
23 compliance auditors to enforce the Unclaimed Property Act.

24 **98.12.** (TREAS: Municipality Accommodations Tax Withholdings) If the State Treasurer is withholding accommodations tax
25 revenue distributions to a municipality due to an expenditure the Tourism Expenditure Review Committee determined to be in
26 noncompliance, then the municipality may refund an amount equivalent to the amount determined to be in noncompliance to the
27 municipality's accommodations tax fund from the municipality's general fund. If the municipality certifies to the Tourism
28 Expenditure Review Committee that the amount has been refunded, the State Treasurer shall refund the withheld funds to the
29 municipality's general fund. The expenditure of funds refunded to the municipality's accommodations tax fund and any
30 subsequent expenditures are subject to review by the Tourism Expenditure Review Committee. Prior to notification to the State
31 Treasurer of noncompliance by a municipality, the Tourism Expenditure Review Committee must notify the municipality if an
32 expenditure is found to be in noncompliance. If the committee informs the municipality of an expenditure determined to be in
33 noncompliance and the municipality does not refund the noncompliant amount, the committee shall certify the noncompliance to
34 the State Treasurer. If the committee determines an expenditure of any refunded amount to be in noncompliance, the municipality
35 may not refund an equivalent amount in order to avoid future withholdings.

1 **SECTION 100 - E240 - OFFICE OF ADJUTANT GENERAL**
2

3 **100.1.** (ADJ: Unit Maintenance Funds) The funds appropriated as unit maintenance funds shall be distributed to the various
4 National Guard units at the direction of the Adjutant General.

5 **100.2.** (ADJ: Revenue Collections) All revenues collected by National Guard units from county and city appropriations,
6 vending machines, rental of armories, court martial fines, federal reimbursements to armories for utility expenses, and other
7 collections may be retained and expended in its budgeted operations.

8 **100.3.** (ADJ: Rental Fee for Election Purposes) The maximum fee that an armory may charge for the use of its premises for
9 election purposes shall be the cost of providing custodial services, utilities and maintenance.

10 **100.4.** (ADJ: Parking Lot Revenues) Notwithstanding other provisions of this act, as a security measure for the State Military
11 Department's headquarters building and grounds, the Adjutant General may control and contractually lease the headquarters
12 building parking facilities, during events at the University of South Carolina's Williams-Brice Stadium, to a state chartered and
13 federally recognized 501(c)(4) tax exempt agency employees' association who may then sub-lease individual parking spaces. Such
14 a contract must require the employees association to obtain liability insurance against wrongful death or injury. The contract must
15 clearly hold the Adjutant General's Office, its officers, and the State of South Carolina harmless from any liability resulting from
16 the use of the parking lot when rented by the employees association. In addition, the contract must specify that the State of South
17 Carolina's Military Department shall receive no less than thirty-three percent of the gross profits from the sub-leasing of the
18 parking spaces. The contract must allow the State to audit the employees association's funds. Funds at the Adjutant General's
19 Office derived wholly from the rental of Adjutant General's headquarters' parking lot may be retained at the Adjutant General's
20 Office, but may not be used for employee perquisites.

21 **100.5.** (ADJ: Armory Rental Program) The Adjutant General is authorized to develop and implement an armory rental program
22 to recoup costs associated with the use of armories by state agencies or other non-Guard organizations. The rental program must
23 be uniform in its application to the maximum extent possible. Funds generated by this program may be retained and expended for
24 armory maintenance and operations.

25 **100.6.** (ADJ: Meals in Emergency Operations Centers) The cost of meals, or the advanced purchase of food products to be
26 stored and prepared for meals, may be provided to state employees who are required to work at the State Emergency Operations
27 Centers during actual emergencies and emergency simulation exercises when they are not permitted to leave their stations.

28 **100.7.** (ADJ: Educational Seminar Revenue) All revenue earned from educational seminars shall be retained by the agency to
29 be used for the printing of materials and other expenses related to conducting the seminars. The balance of funds shall be reported
30 annually to the General Assembly.

31 **100.8.** (ADJ: Retention of Lease Property Revenue) The Adjutant General is authorized to lease all real property under the
32 control of SCMD. All revenue generated by the lease program may be retained for SCMD armory operations and maintenance as
33 authorized by the Adjutant General or Deputy Adjutant General.

34 **100.9.** (ADJ: ~~Billeting and Dining Facility~~ Operations) All revenues collected by the ~~Billeting and Dining Facility~~ operations at
35 the R.L. McCrady Training Center shall be retained and expended in their budgeted operations. Expenditures from these funds

1 shall be determined by the Billeting Committee for Billeting operations ~~and the Deputy Adjutant General for state operations for~~
2 ~~the Dining Facility operation.~~

3 **100.10.** (ADJ: EMD Compensatory Payment) In the event a State of Emergency is declared by the Governor, exempt
4 employees of the Emergency Management Division may be paid for actual hours worked in lieu of accruing compensatory time, at
5 the discretion of the Agency Director, and providing funds are available.

6 **100.11.** (ADJ: Civil Air Patrol) The funds appropriated in this section for the Civil Air Patrol shall be expended by the Civil
7 Air Patrol so as to discharge the state's obligations in conjunction with the Civil Air Patrol as outlined in the SARDA Plan, the
8 South Carolina Operational Radiological Emergency Response Plan, and to assist county and local authorities and other state
9 agencies as permitted by the regulations governing the Civil Air Patrol. All expenditures for equipment and services shall be in
10 accordance with state fiscal policies.

11 **100.12.** (ADJ: Parking Lot Revenues-Columbia Armory, Buildings and Grounds) The Adjutant General may control and
12 contractually lease the Columbia Armory, and its buildings and grounds parking facilities during events at the University of South
13 Carolina's Williams-Brice Stadium. Funds derived wholly from the rental of the Columbia Armory, and its buildings and grounds
14 parking facilities may be retained by the Adjutant General's Office and used for the Funeral Caisson and for SCMD operations,
15 including matching federal funds and armory maintenance and operations. These funds may not be used for any other purpose.

16 **100.13.** (ADJ: Emergency Commodities) The Emergency Management Division shall be allowed to rotate and replace water,
17 Meals Ready to Eat (MREs), and other essential emergency commodities housed in the state's Logistic Center through the
18 provision of said commodities to neighboring states, counties, municipalities and other state agencies, and shall be allowed to
19 accept compensation for said commodities not to exceed replacement costs. Revenues from this exchange shall be utilized solely
20 for the replacement of state emergency commodities.

21 **100.14.** (ADJ: Funeral Caisson) In the event of a mandated general fund budget reduction, the Adjutant General's Office is
22 prohibited from reducing the funds appropriated for the Funeral Caisson. In addition, these funds shall not be transferred to any
23 other program or be used for any other purpose by the Office of Adjutant General.

24 **100.15.** (ADJ: Behavioral Health Care Facilitator/Coordinator) The funds appropriated and or authorized to the Office of the
25 Adjutant General may be utilized to hire a Behavioral Health Care Facilitator/Coordinator who shall act as a liaison to provide
26 mental health care coordination for mental health services to all members of the South Carolina National Guard. The
27 responsibilities of the position shall include, but are not limited to, focusing on individuals without health insurance or without
28 adequate health insurance; facilitating Memorandum of Understanding with mental health facilities across the state to provide
29 assistance to National Guard Service Members; assisting in coordinating Yellow Ribbon and Beyond and other post deployment
30 and mental health events; coordinating treatment for Service Members for conditions that may or may not result in their being
31 medically non deployable; and participating in staff meetings to discuss care of Service Members. The individual hired must be
32 knowledgeable of state and federal privacy laws, including the HIPAA privacy regulations. In addition, it is preferred that the
33 individual have a previous background in Social Work. A national security background check must be performed on the individual
34 prior to a job offer being tendered.

35 **100.16.** (ADJ: National Guard State Active Duty) In the event of the activation of the South Carolina National Guard to State
36 Active Duty by the Governor in a Declaration of State Emergency (including Emergency Management Assistance Compact

(EMAC)), the State Treasurer and the Comptroller General are hereby authorized and directed to pay from the general fund of the State such funds as necessary, not to exceed \$500,000, to cover the actual costs incurred for personnel, travel, and per diem costs, and the Operational Tempo costs for equipment from the U.S. Property and Fiscal Office. EMAC and any Federal monies from a Declared Federal Emergency reimbursed to the state shall be deposited in the state general fund, up to the amount of funds advanced to the South Carolina National Guard for the Declared State of Emergency.

100.17. (ADJ: National Guard Association and Foundation Support) From the funds authorized or appropriated for State Military Department operations, the Adjutant General may authorize National Guard personnel to support and assist the National Guard Association of South Carolina and the South Carolina National Guard Foundation in their missions to promote the health, safety, education, and welfare of South Carolina National Guard personnel and their families.

100.18. (ADJ: State Guard Activation) In the event of activation of the State Guard of the South Carolina National Guard to State Active Duty, the Office of the Adjutant General is authorized to compensate State Guard personnel at a rate of \$150 per day and to also compensate such personnel for meal per diem as authorized by National Guard and State policy.

100.19. (ADJ: Disasters Expenditure Status Report) The Emergency Management Division of the Office of the Adjutant General shall prepare a quarterly report on the status of the expenditure of the funds appropriated in the current fiscal year or in a previous fiscal year for FEMA Match for the 2015 Flooding, for Hurricane Matthew, ~~and~~ for the Pinnacle Mountain Fire, and for Hurricane Irma. The quarterly report must include, but is not limited to, expenditure by category of work by state/local and by county and shall be submitted to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee beginning September 30, ~~2017~~ 2018.

100.20. (ADJ: Hurricane Irma FEMA Match) The Office of Adjutant General, Emergency Management Division, shall utilize existing fund balances to provide the non-federal cost share to state and local government entities for work that is eligible under the Federal Emergency Management Agency (FEMA) Public Assistance program for Hurricane Irma. Priority shall be given to FEMA Public Assistance for state agencies, universities, and local governments. Funds shall not be utilized to provide the non-federal cost share for FEMA Public Assistance for Hurricane Irma to the South Carolina Public Service Authority or private non-profits.

SECTION 101 - E280 - ELECTION COMMISSION

101.1. (ELECT: County Boards of Voter Registration and Elections Compensation) The amounts appropriated in this section for "County Boards of Voter Registration and Elections Board Members," shall be disbursed annually to the County Treasurer at the rate of \$1,500 for each member, not to exceed \$12,500 per county. The County Treasurer shall use these funds only for the compensation of County Boards of Voter Registration and Elections Board Members. Any funds not used for this purpose shall be returned to the State Treasurer. These funds are exempted from mandated budget reductions. In addition, in the calculation of any across the board agency base reductions mandated by the Executive Budget Office or the General Assembly, the amount of funds appropriated for compensation of County Boards of Voter Registration and Elections Board Members shall be excluded from the agency's base budget. Unexpended funds shall be carried forward from the prior fiscal year and shall be utilized for special primaries, runoffs, and elections.

1 **101.2.** (ELECT: Elections Managers & Clerks Per Diem) Managers and clerks of state and county elections shall receive a per
2 diem of \$75.00 for the day of work and \$60.00 for training and paperwork. Managers shall not be paid for more than two days for
3 any election and clerks for not more than three days for any election. The commission may adjust the per diem of \$75.00 for the
4 managers and clerks of the statewide election to a higher level only to the extent that the appropriation for the statewide election is
5 sufficient to bear the added cost of increasing the per diem and the cost of the statewide election. Up to three additional managers
6 per county may be appointed to assist county boards of voter registration and elections with the absentee/fail safe voting process
7 prior to, on Election Day, and immediately following statewide elections. Managers assisting the county boards of voter
8 registration and elections in the absentee/fail safe process may receive a per diem of \$75.00 per day for not more than a total of
9 fifteen days regardless of whether one, two, or three additional managers are used.

10 **101.3.** (ELECT: Board of State Canvassers Compensation) \$100.00 additional compensation per day may be paid to each
11 member of the Board of State Canvassers up to a total of fifteen days that may be required for hearings held by the members of the
12 Board of State Canvassers.

13 **101.4.** (ELECT: Sale of Lists Revenue Carry Forward) Any revenue generated from the sale of election lists may be retained
14 and expended by the South Carolina Election Commission to reimburse the Department of Administration, for the printing of such
15 lists and to pay expenses of postage and shipment of these lists to electors who purchase them. After such reimbursement has been
16 made an amount, not to exceed \$400,000, shall be used for nonrecurring expenses in conjunction with extraordinary special
17 election and legal costs and costs for upgrading the Statewide Voter Registration System. Any balance in the Sale of Lists Account
18 on June thirtieth, of the prior fiscal year may be carried forward and expended for the same purposes during the current fiscal year.

19 **101.5.** (ELECT: Budget Reduction Exemption) Funds appropriated for recurring and nonrecurring general and primary election
20 expenses are exempted from mandated across the board reductions. In addition, in the calculation of any across the board agency
21 base reductions mandated by the Executive Budget Office or the General Assembly, the amount of funds appropriated for recurring
22 and nonrecurring primary and general election expenses shall be excluded from the agency's base budget.

23 **101.6.** (ELECT: Primary and General Election Carry Forward) Filing fees received from candidates filing to run in statewide or
24 special primary elections may be retained and expended by the State Election Commission to pay for the conduct of primary
25 elections. Any balance in the filing fee accounts on June thirtieth, of the prior fiscal year may be carried forward and expended for
26 the same purposes during the current fiscal year. In addition, any balance in the Primary and General Election Accounts on June
27 thirtieth, of the prior fiscal year may be carried forward and expended for the same purposes during the current fiscal year. In
28 addition, the aforementioned funds may also be utilized to conduct the Presidential Preference Primary elections.

29 **101.7.** (ELECT: Training & Certification Program) All members and staff of County Boards of Voter Registration and
30 Elections will receive a common curriculum to include core courses on the duties and responsibilities of county boards of voter
31 registration and elections and electives to promote quality service and professional development. The State Election Commission
32 shall make these courses available in various locations, including but not be limited to, the upstate, coastal, and midlands areas of
33 the state. Up to \$35,000 of revenue generated by charging a fee to attend these courses may be retained and expended by the South
34 Carolina Election Commission to help cover the cost of providing the training. Any balance in the training and certification
35 account on June thirtieth, of the prior fiscal year may be carried forward and expended for the same purpose during the current
36 fiscal year.

The State Election Commission is required to withhold the stipend of members who do not complete the training and certification program as required in Section 7-5-10 of the 1976 Code. Additionally, funds will also be withheld if a board member completes the training and certification program, but fails to complete at least one training course per year. The board member and members of that county's legislative delegation will be notified of the withholding of the stipend and the requirements needed to bring the member into compliance with the law. If a board member cannot complete the program or complete the required continuing education due to extenuating circumstances, the board member must submit a written request to the county legislative delegation for approval or funds will continue to be withheld as described in this proviso. If a board member does not become compliant with the law within eighteen months of initial notification of stipend withholding, the county's legislative delegation must replace that person on the board.

101.8. (ELECT: Penalty for Late Submission of Reimbursable Expenses) In the event that a county submits reimbursable election expenses to the Commission for payment more than thirty days after the election is held, the Commission may deduct a penalty of ten percent of the late-submitted amount. The county is responsible for payment of this amount. If the Commission finds good reason for such late submission, the penalty may be waived. The Election Commission shall be authorized to expend funds appropriated/authorized in the current fiscal year to pay election expenses incurred by a county in the prior fiscal year. If a county submits a request for reimbursement of election expenses through any means other than the Voter Registration and Election Management System (VREMS), the Commission may deduct a penalty of ten percent of the amount submitted.

101.9. (ELECT: HAVA Carry Forward) The Election Commission shall be authorized to carry forward unexpended Help America Vote Act funds into the current fiscal year and to use these funds for the same purpose.

~~**101.10.** (ELECT: HAVA Match Funds) Funds appropriated through the General Fund for the purpose of providing a match for federal funds received through the Help America Vote Act (HAVA) shall be moved to a restricted account in order that the funds may accrue interest as per Section 254 (b) (1) of the Help America Vote Act. Unexpended funds shall be carried forward from the prior fiscal year and shall be utilized for special primaries, runoffs, and elections. These funds may also be used to reimburse local governmental entities for expenses incurred in the prior fiscal year associated with special primaries, runoffs, and general elections.~~

101.11. (ELECT: Use of Election Funds) Funds appropriated to the Election Commission for the purpose of conducting elections shall not be used for any other purpose unless specifically authorized in this act. However, up to \$200,000 may be transferred to other operating accounts from General Election accounts upon approval from the Executive Budget Office, which shall then notify the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor of such transfer of funds.

SECTION 102 - E500 - REVENUE AND FISCAL AFFAIRS OFFICE

102.1. (RFAO: Geodetic Mapping Program) Funds appropriated or authorized to the Revenue and Fiscal Affairs Office for Mapping, shall be used to clarify county boundary determinations as directed by Section 27-2-105, of the 1976 Code and resolution of the boundary between the states of South Carolina and North Carolina.

1 An affected party disagreeing with a county boundary certified by the Revenue and Fiscal Affairs Office may appeal the
2 certification to the South Carolina Administrative Law Court, which is vested with jurisdiction to hear and decide the case subject
3 to the provisions of Section 1-23-380 of the 1976 Code, except that the case must be heard 'de novo.' Additionally, for purposes
4 of determining the timelines of an appeal, notice is deemed to have been provided on the date of the written notice to affected
5 parties. An affected party has sixty calendar days from the date of a written notice sent to the affected party to file an appeal with
6 the Administrative Law Court.

7 **102.2.** (RFAO: Election File Merge) In order to assist the County Registration and Election Commissions to ensure that
8 registered voters are assigned to proper election districts, the Revenue and Fiscal Affairs Office, in conjunction with the South
9 Carolina Election Commission, shall merge the voter registration file with the office's Geocoded Address List and the district
10 boundaries of the Congress, South Carolina Senate, South Carolina House of Representatives, county councils, and such other
11 districts as the office possesses official district boundary records in electronic format. The merged systems will allow the Revenue
12 and Fiscal Affairs Office to provide the respective county officials with a list of potential voters who are possibly assigned to the
13 wrong election district. File merger is required only for those districts in which elections are scheduled. Counties and
14 municipalities shall release GIS to the Revenue and Fiscal Affairs Office upon the office's written request. Written request must
15 be sent to the chief administrative officer of the county or municipality and advise the county or municipality that failure to comply
16 within thirty days of request may result in the withholding of ten percent of the county's or municipality's state aid. The Executive
17 Director of the Revenue and Fiscal Affairs Office may grant additional time for good cause and must waive release if the county or
18 municipality does not possess GIS data. For counties and municipalities that possess GIS data but do not release it, the Executive
19 Director of the Revenue and Fiscal Affairs Office shall notify the State Treasurer of the failure to comply with this provision after
20 the required notice. Notification shall result in the withholding of ten percent of subsequent payments of state aid to the entity until
21 the GIS data is provided. Municipal and county data acquired by the Revenue and Fiscal Affairs Office in the course of
22 performing its responsibilities may be used for other functions of the office as well as shared with other state agencies. For this
23 provision GIS data includes, but is not limited to, road centerlines; orthophotography; parcel boundaries; address points; political
24 boundaries; and administrative boundaries.

25 **102.3.** (RFAO: SC Health & Human Services Data Warehouse) There is hereby established within the Revenue and Fiscal
26 Affairs Office, the South Carolina Health and Human Services Data Warehouse. The purpose of the Warehouse is to ensure that
27 the operation of health and human services agencies may be enhanced by coordination and integration of client information. Client
28 data is defined as person-level data that is created, received, and/or maintained by state agencies and other entities required to
29 report client information to the Revenue and Fiscal Affairs Office under this provision. To integrate client information, client data
30 from health and human services state agencies will be linked to improve client outcome measures, enabling state agencies to
31 analyze coordination and continuity of care issues. The addition of these data will enhance existing agency systems by providing
32 client data from other state agency programs to assist in the provision of client services. Certain client information shall be
33 delivered to the Revenue and Fiscal Affairs Office in order to assist in the development and maintenance of this Warehouse. The
34 following agencies shall report client information:

- 35 • Departments of:
 - 36 (1) Health and Human Services;

- 1 (2) Health and Environmental Control;
- 2 (3) Mental Health;
- 3 (4) Alcohol and Other Drug Abuse Services;
- 4 (5) Disabilities and Special Needs;
- 5 (6) Social Services;
- 6 (7) Vocational Rehabilitation;
- 7 (8) Education;
- 8 (9) Juvenile Justice;
- 9 (10) Corrections;
- 10 (11) Probation, Parole and Pardon Services;
- 11 • Department of Administration:
 - 12 (1) Children's Foster Care Review Board;
 - 13 (2) Continuum of Care;
- 14 • Office of the Lieutenant Governor, Division on Aging;
- 15 • South Carolina School for the Deaf and the Blind;
- 16 • Commission for the Blind; and
- 17 • Other entities as deemed necessary by the Revenue and Fiscal Affairs Office.

18 These agencies and departments shall collect and provide client data in formats and schedules to be specified by the Revenue
 19 and Fiscal Affairs Office (Office). The Office shall establish a Memorandum of Agreement with each agency, department or
 20 division. These Memorandums of Agreement shall specify, but are not limited to, the confidentiality of client information, the
 21 conditions for the release of data that may identify agencies, departments, divisions, programs and services, or clients, any
 22 restrictions on the release of data so as to be compliant with state and federal statutes and regulations on confidentiality of data,
 23 conditions under which the data may be used for research purposes, and any security measures to be taken to insure the
 24 confidentiality of client information.

25 To ensure accountability and the coordinated, efficient delivery of health and human services, the Office shall implement, in
 26 consultation with state health and human services agencies and other entities as deemed necessary by the Office, an integrated data
 27 system that includes client data from all participating agencies.

28 In order to provide for inclusion of other entities into the South Carolina Health and Human Services Data Warehouse and other
 29 research and analytic-oriented applications that will assist the state in the efficient and effective provision of services, the Office
 30 shall have the authority to enter into agreements or transactions with any federal, state or municipal agency or other public
 31 institution or with any private individual, partnership, firm, corporation, association or other entity to provide statistical, research
 32 and information dissemination services including, but not limited to, program and outcomes evaluation, program
 33 monitoring/surveillance, projects to determine the feasibility of data collection and/or analyses, information dissemination and
 34 research. The confidentiality of data collected under these initiatives shall comply with applicable state and federal laws governing
 35 the privacy of data. The Office shall have the power to promulgate regulations, policies and procedures, in consultation with the

1 participating agencies, for the development, protection and operation of the Data Warehouse, other research and analytic-oriented
2 applications, and their underlying processes.

3 The Office shall develop internet-accessible secure analytic query tools (such as analytic cubes) using integrated client data from
4 the Warehouse. All agencies shall cooperate with the Office in the development of these analytic tools. It is the intent of this
5 provision that the analytic tools developed under this provision shall be made available to members of the South Carolina General
6 Assembly and their research staff members, state agencies, and researchers. To that end, the Office shall, in consultation with the
7 participating agencies, promulgate regulations addressing access to and use and release of information generated through use of the
8 query tools.

9 All state agencies participating in the Warehouse shall utilize it and its associated software applications in the day-to-day
10 operation of their programs and for coordination, collaboration, program evaluation and outcomes analysis. The Department of
11 Health and Environmental Control shall be exempt from usage of the integrated client management system and the analytic query
12 tools in the day-to-day operation of their Client Automated Record and Encounter System and their South Carolina Community
13 Assessment Network, but shall provide the Warehouse with client data from the system and network.

14 No state agency shall duplicate any of the responsibilities of this provision.

15 For purposes of this subsection, all state laws, regulations, or any rule of any state agency, department, board, or commission
16 having the effect or force of law that prohibits or is inconsistent with any provision of this subsection is hereby declared
17 inapplicable to this subsection.

18 **102.4.** (RFAO: E911 PSAPs) The Revenue and Fiscal Affairs Office, utilizing the funds appropriated and or authorized herein
19 for the E911 program, must ensure that any new plans or proposed amendments to existing plans maintain comprehensive coverage
20 for the full Public Safety Answering Points area as well as improve cost effectiveness. No new plans or amendments may be
21 considered by Revenue and Fiscal Affairs that do not include the written agreement of all jurisdictions affected by the new plan or
22 proposed change as well as provide cost savings on the state and local level. Local Public Safety Answering Points are encouraged
23 to cooperate to find ways to continue to improve cost effectiveness and efficiencies for all affected entities.

24 **102.5.** (RFAO: Revenue for Goods and Services) The respective sections of the Revenue and Fiscal Affairs Office are
25 authorized to provide and receive from other governmental entities, including other divisions, state and local agencies and
26 departments, and the private sector, goods and services, as will in its opinion promote efficient and economical operations. The
27 sections may charge and pay the entities for the goods and services, the revenue from which shall be deposited in the state treasury
28 in a special account and expended only for the costs of providing the goods and services, and such funds may be retained and be
29 expended for the same purposes.

30 **102.6.** (RFAO: 911 Advisory Committee) For the current fiscal year, the Executive Director of the Revenue and Fiscal Affairs
31 Office shall appoint an individual with technical or operational knowledge of E-911 systems to the South Carolina 911 Advisory
32 Committee, which formerly had an appointment of a director of a division of the State Budget and Control Board, ex officio. In
33 addition to the members designated to serve on the advisory committee, the Executive Director of the Revenue and Fiscal Affairs
34 Office may appoint a designee to serve on the advisory committee on his behalf.

35 **102.7.** (RFAO: NG9-1-1 Strategic Plan) The Revenue and Fiscal Affairs Office shall be authorized to use up to \$150,000 of the
36 funds from the 58.2 percent compliance cost portion of the wireless 9-1-1 fund for costs associated with the further planning,

1 development, and implementation of the comprehensive statewide NG9-1-1 system as outlined in the South Carolina NG9-1-1
2 strategic plan. Associated costs include, but are not limited to, the hiring of consultants, technical experts, or other professionals
3 for assistance in defining, developing, or implementing the operating model and standards, system or technical requirements, or
4 other elements of the system as outlined in the strategic plan.

5 6 **SECTION 104 - E550 - STATE FISCAL ACCOUNTABILITY AUTHORITY** 7

8 **104.1.** (SFAA: Procurement of Art Objects) Before any governmental body, with the exception of the South Carolina Museum
9 Commission, the Confederate Relic Room and Military Museum Commission, and the South Carolina Hunley Commission as
10 defined under the South Carolina Consolidated Procurement Code, procures any art objects such as paintings, antiques, sculptures,
11 or similar objects above \$1,000, the head of the Purchasing Agency shall prepare a written determination specifying the need for
12 such objects and benefits to the State. The South Carolina Arts Commission shall review such determination for approval prior to
13 any acquisition.

14 **104.2.** (SFAA: Lawsuit Funding) The Executive Director shall pay from the Insurance Reserve Fund the defense costs of the
15 State, which are incurred in the current fiscal year, in the Abbeville school funding litigation and the prisoner mental health care
16 litigation. The appropriate official from the House of Representatives and the Senate must certify to the Executive Director on a
17 monthly basis the costs incurred in defense of this litigation. Upon receipt of the certification, the Executive Director shall pay the
18 provider of these services the amount certified.

19 **104.3.** (SFAA: Public Procurement Unit) For purposes of participation in the Minnesota Multi State Contracting Alliance for
20 Pharmacy (MMCAP), a private, nonprofit corporation that provides only free medical care may be allowed to participate as a local
21 public procurement unit in the MMCAP cooperative purchase. The participation of nonprofit corporations in the program is
22 contingent upon approval of the Minnesota Multi-State Contracting Alliance for Pharmacy. Participating nonprofit corporations
23 must comply with all applicable federal laws or regulations for participation in the MMCAP cooperative purchase. The state shall
24 not be liable for any action or inaction of such a nonprofit corporation.

25 **104.4.** (SFAA: Insurance Coverage for Aging Entity Authorized) The State Fiscal Accountability Authority, through the
26 Insurance Reserve Fund, for ~~Fiscal Year 2017-18~~ the current fiscal year, is also authorized to offer insurance coverage to an aging
27 entity and its employees serving clients countywide which previously obtained its tort liability insurance coverage through the
28 board. The Insurance Reserve Fund and the State of South Carolina shall not be liable to any person or entity, including an
29 insured, for any insufficiencies of coverage provided hereunder.

30 **104.5.** (SFAA: IRF Report) The State Fiscal Accountability Authority shall prepare a report on prior fiscal year utilization of
31 the Insurance Reserve Fund to include for each transaction the amount, the recipient of the funds, the date of the transfer or
32 payment, and the action or reason that necessitated the transfer. The report shall be submitted to the President Pro Tempore of the
33 Senate, the Chairman of the Senate Finance Committee, the Speaker of the House of Representatives, and the Chairman of the
34 House Ways and Means Committee by October fifteenth, of the current fiscal year.

1 **104.6.** (SFAA: Second Injury Fund Closure Plan) The State Fiscal Accountability Authority is authorized and empowered to
2 take all necessary actions to administer the closure plan for the Second Injury Fund, as adopted pursuant to Section 42-7-320(A) of
3 the 1976 Code, as amended, and to use the separate and distinct trust and administrative accounts established for this purpose.

4 **104.7.** (SFAA: IT Planning Transfer) The State Fiscal Accountability Authority shall transfer \$400,000 from revenue generated
5 from contract administration fees on information technology contracts to the Department of Administration to support the state's
6 information technology planning program.

7 **104.8.** (SFAA: Attorneys) For the current fiscal year, during the transition of the Insurance Reserve Fund from the Budget and
8 Control Board to the State Fiscal Accountability Authority, the Insurance Reserve Fund shall continue to approve the
9 attorneys-at-law retained to defend those it insures. In addition, the authority of the former Budget and Control Board under
10 Section 1-7-170(A) is devolved upon the State Fiscal Accountability Authority.

11 **104.9.** (SFAA: Compensation - Agency Head Salary) In the event of an agency head or technical college president vacancy, the
12 governing board of the agency or the Governor, or the appointing authority of a technical college president, must have the prior
13 favorable recommendation of the Agency Head Salary Commission to set, discuss, offer, or pay a salary for the agency head or
14 technical college president at a rate that exceeds the minimum of the range established by the Agency Head Salary Commission.
15 No agency head or technical college president shall be paid a salary higher than that recommended by the commission. Boards and
16 commissions, or the Governor if he is the appointing authority, of newly created agencies or technical colleges shall not offer or
17 pay a salary to a prospective agency head until a salary range has been established and the salary approved by the Agency Head
18 Salary Commission. The funding of the salaries of any agency head or technical college president should come from resources
19 within the agency. The State Fiscal Accountability Authority shall contract every four years for a study of agency head and
20 technical college president compensation. The cost of the study must be shared by the participating agencies. The staff of the
21 State Fiscal Accountability Authority shall serve as the support staff to the Agency Head Salary Commission. Limited only by the
22 maximum of the respective salary range, the General Assembly authorizes the respective appointing authority for an agency head
23 or technical college president to provide salary increases for an agency head or technical college president not to exceed that
24 recommended by the Agency Head Salary Commission. No agency head or technical college president shall be paid less than the
25 minimum

26 of the pay range nor receive an increase that would have the effect of raising the salary above the maximum of the pay range.

27 **104.10.** (SFAA: Continuation of Authority) The respective divisions of the State Fiscal Accountability Authority are
28 authorized to provide to and receive from other governmental entities, including other divisions and state and local agencies and
29 departments, goods and services, as will in its opinion promote efficient and economical operations. The divisions may charge and
30 pay the entities for the goods and services, the revenue from which shall be deposited in the state treasury in a special account and
31 expended only for the costs of providing the goods and services, and such funds may be retained and expended for the same
32 purposes.
33

SECTION 105 - F270 - SFAA, STATE AUDITOR'S OFFICE

105.1. (SFAA-AUD: Annual Audit of Federal Programs) Each state agency receiving federal funds subject to the audit requirements of the Single Audit Act Amendments of 1996 and ~~OMB Circular A-133, Audits of States, Local Governments and Nonprofit Organizations~~ Title 2 U.S. Code of Federal Regulations (CFR) Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) shall remit to the State Auditor an amount representing an equitable portion of the expense of contracting with a nationally recognized CPA firm to conduct a portion of the audit of the State's federal financial assistance.

Each state agency's equitable portion of the expense will be determined by a schedule developed by the State Auditor. Such remittance will be based upon invoices provided by the State Auditor. The audit shall be re-bid every five years. The State Auditor shall retain and expend the funds received and shall carry forward any unexpended funds from the prior fiscal year into the current fiscal year for the same purpose.

105.2. (SFAA-AUD: Medical Assistance Audit Carry Forward) The State Auditor's Office shall retain and expend the funds received from the Department of Health and Human Services for the Medical Assistance Audit Program pursuant to Proviso 33.3 of this act and shall carry forward any unexpended funds from the prior fiscal year into the current fiscal year for the same purpose.

105.3. (SFAA-AUD: Coordination with Inspector General) In the event the State Auditor's Office identifies instances of fraud, waste, and abuse during any state agency audit, the State Auditor shall refer such instances to the State Inspector General for examination. The State Auditor shall prepare and submit an annual report to the Chairmen of the House Ways and Means Committee and the Senate Finance Committee and the Governor detailing all written referrals of fraud, waste, and abuse submitted to the State Inspector General.

105.4. (SFAA-AUD: Annual Audit of Court Fees and Fines Reports) The State Auditor shall conduct a minimum of fifteen audits annually of county treasurers, municipal treasurers, county clerks of court, magistrates and/or municipal courts as required by Section 14-1-210 of the 1976 Code and allowed by Section 14-1-240; however, the State Auditor shall not be required to spend more than the annual amount of \$250,000, received from the State Treasurer to conduct the said audits pursuant to Section 14-1-210 of the 1976 Code. The State Auditor may contract with one or more CPA/accounting firms to conduct the required audits. The State Auditor shall consult with the State Treasurer to determine the jurisdictions to be audited in the current fiscal year. Jurisdictions may be selected randomly or based on an instance in the current or previous fiscal year of failing to report, incorrectly reporting or under remitting amounts owed. The funds transferred to the State Auditor by the State Treasurer shall not be used for any purpose other than to conduct the described audits and report whether or not the assessments, surcharges, fees, fines, forfeitures, escheatments, or other monetary penalties imposed and/or mandated are properly collected and remitted to the State. Any unexpended balance on June thirtieth of the prior fiscal year shall be carried forward and must be expended for the same purpose during the current fiscal year. The State Auditor shall annually report by October first, its findings of the jurisdictions audited to the Senate Finance Committee and the House Ways and Means Committee.

1 **SECTION 106 - F300 - STATEWIDE EMPLOYEE BENEFITS**
2

3 **106.1.** (SEB: SCRS & PORS Allocation) The funds appropriated in the current fiscal year for SCRS Employer Contributions
4 and PORS Employer Contributions shall be allocated to state agencies and school districts by the Department of Administration,
5 Executive Budget Office for SCRS and PORS rate increases.
6

7 **SECTION 108 - F500 - PUBLIC EMPLOYEE BENEFIT AUTHORITY**
8

9 **108.1.** (PEBA: Lottery, Infrastructure Bank, and Magistrates Health Insurance) South Carolina Lottery Commissioners and
10 South Carolina Transportation Infrastructure Bank Board members and their eligible dependents are eligible to participate in the
11 State Health and Dental Insurance Plan, upon paying the full premium costs as determined by the Public Employee Benefit
12 Authority. If a county is participating in the State Health and Dental Insurance Plan, magistrates and their eligible dependents are
13 eligible to participate in the State Health and Dental Insurance Plan, upon the magistrate paying the full premium costs as
14 determined by the Public Employee Benefit Authority.

15 **108.2.** (PEBA: Adoption Assistance Program) The Employee Adoption Assistance Program is established to provide grants to
16 eligible employees to assist them with the direct costs of adoption. The program shall be an employee benefit through the Public
17 Employee Benefit Authority (PEBA) and shall be funded from the appropriation for the State Health Plan as provided in this act.
18 Total funding for the Adoption Program shall not exceed the amount authorized by the General Assembly in the annual
19 appropriations act. Employees are eligible for the Adoption Program if they participate in PEBA insurance benefits, have adopted
20 a child during the prior fiscal year, apply for the grant during the annual application period, and meet any other Adoption Program
21 criteria. The application period shall be July first through September thirtieth of the current fiscal year for an adoption in the prior
22 fiscal year. The maximum grant amounts shall be \$10,000 in the case of the adoption of a special needs child and \$5,000 for all
23 other child adoptions. Should the total amount needed to fund grants at the maximum level exceed the amount authorized, the
24 amount of a grant to an eligible employee shall be determined by dividing the authorized amount evenly among qualified program
25 applicants, with the adoption of a special needs child qualifying for two times the benefit of a non-special needs child.

26 **108.3.** (PEBA: Health Plan Tobacco User Differential) For health plans adopted under the authority of Section 1-11-710 of the
27 1976 Code by the Public Employee Benefit Authority during the current fiscal year, the board is authorized to differentiate
28 between tobacco users and nonusers regarding rates charged to enrollees in its health plans by imposing a surcharge on enrollee
29 rates based upon tobacco use. The surcharge for tobacco use may not exceed \$40 per month per subscriber or \$60 per month per
30 subscriber and dependent(s).

31 **108.4.** (PEBA: Funding Abortions Prohibited) No funds appropriated for employer contributions to the State Health Insurance
32 Plan may be expended to reimburse the expenses of an abortion, except in cases of rape, incest or where the mother's medical
33 condition is one which, on the basis of the physician's good faith judgment, so complicates the pregnancy as to necessitate an
34 immediate abortion to avert the risk of her death or for which a delay will create serious risk of substantial and irreversible
35 impairment of major bodily function, and the State Health Plan may not offer coverage for abortion services, including ancillary
36 services provided contemporaneously with abortion services. The Public Employee Benefit Authority must determine the amount

of the total premium paid for health coverage necessary to cover the risks associated with reimbursing participants in the plan for obtaining an abortion in the circumstances covered by this provision. The determination must be based on actuarial data and empirical study in the same manner and by the same method that other risks are adjusted for in similar circumstances. The plan must report this determination annually to the respective Chairmen of the Senate Finance Committee and the House Ways and Means Committee.

108.5. (PEBA: TRICARE Supplement Policy) The Public Employee Benefit Authority (PEBA) shall offer a group TRICARE Supplement policy or policies to its TRICARE-eligible subscribers through its flexible benefits program to provide that subscribers may pay premiums for such policies on a pretax basis, in accordance with federal law and regulations. PEBA may charge TRICARE Supplement subscribers an amount not to exceed \$2 per subscriber per month for any associated administrative costs.

108.6. (PEBA: State Health Plan) Of the funds authorized for the State Health Plan pursuant to Section 1-11-710(A)(2) of the 1976 Code, an employer premium increase of ~~3.3~~ 7.9 percent and a subscriber premium increase of ~~zero~~ 7.9 percent for each tier (subscriber, subscriber/spouse, subscriber/children, full family) will result for the standard State Health Plan in Plan Year ~~2018~~ 2019. Copayments for participants of the State Health Plan in Plan Year ~~2018~~ 2019 ~~shall not~~ may be increased to the extent permitted to maintain status as a grandfathered plan under the federal Affordable Care Act. Notwithstanding the foregoing, pursuant to Section 1-11-710(A)(3), the Public Employee Benefit Authority may adjust the plan, benefits, or contributions of the State Health Plan during Plan Year 2018 to ensure the fiscal stability of the Plan.

108.7. (PEBA: Exempt National Guard Pension Fund) In the calculation of any across-the-board cut mandated by the Executive Budget Office or General Assembly, the amount of the appropriation for the National Guard Pension Fund shall be excluded.

108.8. (PEBA: Inactive SCRS Account Transfer) A current employee or teacher who is an active participant in the State Optional Retirement Program but who has an inactive account in the South Carolina Retirement Program due to previous service in that system, shall be allowed to transfer previous contributions to the employee's or teacher's active State Optional Retirement Program account.

108.9. (PEBA: Network Pharmacy Publications) All pharmacy publications or lists must include independent retail pharmacies. Abridged pharmacy lists are prohibited.

108.10. (PEBA: Covered Contraceptives) In its Plan of Benefits effective January 1, 2017, the State Health Plan shall not apply patient cost sharing provisions to covered contraceptives. This provision does not alter the current approved list of contraceptives and complies with the requirements of proviso 108.4.

108.11. (PEBA: Former Spouses on the State Health Plan) In its Plan of Benefits effective January 1, 2018, the State Health Plan shall cover a subscriber's former spouse, who is eligible to be covered pursuant to a court order, on the former spouse's own individual policy and at the full amount of the premium for the coverage elected, with such rates, billing, and other administrative policies to be determined by the Public Employee Benefit Authority. The former spouses may only elect such health, dental, and vision coverage as required by the court order. The former spouse's individual coverage may continue under the State Health Plan as long as authorized under the court order and the subscriber remains a participant in the State Health Plan. This proviso does not affect a subscriber's ability to cover a current spouse on an employee/retiree and spouse or full family policy when the subscriber's former spouse is covered on a separate policy.

1 **108.12. (PEBA: Contraceptives for Dependents) In its Plan of Benefits effective January 1, 2018, the State Health Plan*
2 *shall cover prescribed contraceptives for dependents under the same terms and conditions that the Plan provides contraceptive*
3 *coverage for employees and spouses. This provision does not alter the current approved list of contraceptives and complies with*
4 *the requirements of proviso 108.4.*
5

6 **SECTION 109 - R440 - DEPARTMENT OF REVENUE**

7

8 **109.1.** (DOR: Subpoenaed Employee Expense Reimbursement) If any employee of the Department of Revenue is subpoenaed
9 to testify during litigation not involving the Department of Revenue, the party subpoenaing the employee(s) to testify shall
10 reimburse the State for expenses incurred by the employee(s) requested to testify. Expenses shall include but are not limited to the
11 cost of materials and the average daily salary of the employee or employees.

12 **109.2.** (DOR: Court Order Funds Carry Forward) Funds awarded to the Department of Revenue by court order shall be retained
13 in a special account and shall be carried forward from year to year, and expended as needed to accomplish the purposes and
14 conditions of said order if specified, and if not specified, as may be directed by the Director of the Department of Revenue.

15 **109.3.** (DOR: Rural Infrastructure Fund Transfer) Notwithstanding Section 12-10-85, the Department of Revenue is authorized
16 to deposit revenues from the Rural Infrastructure Fund in excess of \$12 million dollars to the Rural Infrastructure Fund under the
17 Rural Infrastructure Authority. Any revenues in excess of \$17 million shall be deposited in the Rural Infrastructure Fund under the
18 Department of Commerce, Coordinating Council.

19 **109.4.** (DOR: SCBOS Funds) The Department of Revenue shall share equally the collection assistance fees imposed on
20 overdue tax debt with the South Carolina Business One Stop program. The funds received by the department from this fee shall be
21 used for continued administration of the revenue laws in a fair and impartial manner. Any unexpended funds generated by the fee
22 shall be carried forward from the prior fiscal year into the current fiscal year and shall also be shared equally between the
23 Department of Revenue and the South Carolina Business One Stop program.

24 **109.5.** (DOR: Across the Board Cut Exemption) Whenever the Executive Budget Office or General Assembly implements an
25 across the board budget reduction, the funds appropriated to the Department of Revenue shall be exempt from any such mandated
26 budget reduction.

27 **109.6.** (DOR: Candidate Tax Return Programs) (A) From the funds appropriated in this act, the department must develop a
28 program to process inquiries from a candidate for an office of this State or its political subdivisions or any gubernatorial appointee
29 concerning whether that candidate or appointee has filed annual state income tax returns that he was required to file during the past
30 ten years, regardless of the source of income, has paid all income taxes due during that time period, and has satisfied all judgments,
31 liens, or other penalties for failure to pay income taxes when due. The department may only respond to an inquiry if the inquiry is
32 made by a candidate or appointee concerning that candidate's or appointee's own income tax returns.

33 (B) Unless a candidate or appointee requests otherwise, the department must post the results of all inquiries from candidates or
34 appointees in a prominent place on its internet website. The information must be organized in the following manner: (1) the
35 candidates name as it will appear on the ballot or the appointee's name as it appears on his income tax returns; (2) identify the
36 years that the candidate or appointee was required to file income tax returns and identify the years, if any, that the candidate or

1 appointee was not required to file income tax returns; (3) state whether the candidate or appointee filed income tax returns in each
 2 year that the candidate or appointee was required to file income tax returns; (4) state whether the candidate or appointee paid
 3 income taxes due each year that the candidate or appointee was required to file income tax returns; and (5) state whether the
 4 candidate or appointee had a judgment, lien, or other penalty levied against him for failure to pay income taxes when due, the year
 5 of the levy, and whether that judgment, lien, or other penalty has been satisfied. The department may not post a candidate's
 6 complete income tax return when fulfilling its obligations under this proviso.

7 (C) (1) Participation in this program by a candidate or appointee is voluntary.

8 (2) A candidate's or appointee's inquiry constitutes a waiver of confidentiality with the department concerning the
 9 information posted.

10 **109.7.** (DOR: Fraudulent Tax Return Program) The Department of Revenue may establish a Fraudulent Tax Return Detection
 11 Program to prevent payment of fraudulent tax refunds. To implement the program the department may contract with information
 12 and technology entities to provide the necessary detection capabilities. The department shall pay for the program from the savings
 13 realized by implementation.

14 **109.8.** (DOR: Treasury Offset Program) The Department of Revenue is authorized to retain up to \$140,000 of mailing and
 15 associated administrative costs incurred as a result of the State's participation in and the notice requirements of the Federal
 16 Treasury Offset Program. Retained expenses shall be from tax offset revenue received from the federal government. Remaining
 17 revenue shall be deposited in the General Fund.

18 **109.9.** (DOR: May Events) Of the accommodation tax returned to Horry County or the municipalities therein, up to one third of
 19 the total allocation may be set aside and used for direct policing activities during events held in May within Horry County. By
 20 October thirty-first, the local government must inform the Department of Revenue the percentage of accommodation tax to
 21 withhold, not to exceed one third of the estimated yearly return, that will be dedicated to direct policing activities. These funds
 22 shall be sent by the Department of Revenue to the local governing entity upon request of the local entity. A report on the
 23 expenditure of these funds, which must include the amount and purpose for which the funds were expended shall be submitted by
 24 the county or municipalities to the Governor, the Chairman of Senate Finance Committee and the Chairman of House Ways and
 25 Means Committee no later than ninety days after the end of any event in which these funds are expended.

26 **109.10.** (DOR: Educational Credit for Exceptional Needs Children) (A) As used in this proviso:

27 (1) "Eligible school" means an independent school including those religious in nature, other than a public school, at which
 28 the compulsory attendance requirements of Section 59-65-10 may be met, that:

- 29 (a) offers a general education to primary or secondary school students;
- 30 (b) does not discriminate on the basis of race, color, or national origin;
- 31 (c) is located in this State;
- 32 (d) has an educational curriculum that includes courses set forth in the state's diploma requirements, graduation
 33 certificate requirements (for special needs children), and where the students attending are administered national achievement or
 34 state standardized tests, or both, at progressive grade levels to determine student progress;
- 35 (e) has school facilities that are subject to applicable federal, state, and local laws;

1 (f) is a member in good standing of the Southern Association of Colleges and Schools, the South Carolina
2 Association of Christian Schools, the South Carolina Independent Schools Association, or Palmetto Association of Independent
3 Schools; and

4 (g) provides a specially designed program or learning resource center to provide needed accommodations based on
5 the needs of exceptional needs students or provides onsite educational services or supports to meet the needs of exceptional needs
6 students, or is a school specifically existing to meet the needs of only exceptional needs students with documented disabilities.

7 (2) "Exceptional needs child" means a child:

8 (a) who has been evaluated in accordance with this state's evaluation criteria, as set forth in S.C. Code Ann. Regs.
9 43-243.1, and determined eligible as a child with a disability who needs special education and related services, in accordance with
10 the requirements of Section 300.8 of the Individuals with Disabilities Education Act; or

11 (b) who has been diagnosed within the last three years by a licensed speech-language pathologist, psychiatrist, or
12 medical, mental health, psychoeducational, or other comparable licensed health care provider as having a neurodevelopmental
13 disorder, a substantial sensory or physical impairment such as deaf, blind, or orthopedic disability, or some other disability or acute
14 or chronic condition that significantly impedes the student's ability to learn and succeed in school without specialized instructional
15 and associated supports and services tailored to the child's unique needs.

16 (3) "Independent school" means a school, other than a public school, at which the compulsory attendance requirements of
17 Section 59-65-10 may be met and that does not discriminate based on the grounds of race, color, religion, or national origin.

18 (4) "Parent" means the natural or adoptive parent or legal guardian of a child.

19 (5) "Qualifying student" means a student who is an exceptional needs child, a South Carolina resident, and who is eligible
20 to be enrolled in a South Carolina secondary or elementary public school at the kindergarten or later year level for the applicable
21 school year.

22 (6) "Resident public school district" means the public school district in which a student resides, or in the case of
23 dependents of active military personnel, the public school district which the student may attend.

24 (7) "Transportation" means transportation to and from school only.

25 (8) "Tuition" means the total amount of money charged for the cost of a qualifying student to attend an independent
26 school including, but not limited to, fees for attending the school, textbook fees, and school-related transportation.

27 (9) "Department" means the Department of Revenue.

28 (B) (1) There is created the Educational Credit for Exceptional Needs Children Fund that is separate and distinct from the
29 State general fund. The fund shall be organized by the department as a public charity as defined by the Internal Revenue Code
30 under sections 509(a)(1) through 509(a)(4) and consist solely of contributions made to the fund. The fund may not receive an
31 appropriation of public funds. The fund shall receive and hold all contributions intended for it as well as all earnings until
32 disbursed as provided in this chapter. Monies received in the fund shall be used to provide scholarships to exceptional needs
33 children attending eligible schools.

34 (2) The amounts on deposit in the fund do not constitute public funds nor are the deposits property of the State. Amounts
35 on deposit in the fund must not be commingled with public funds and the State shall have no claim to or interest in the amounts on
36 deposit. Agreements or contracts entered into by or on behalf of the fund do not constitute a debt or obligation of the State.

1 (3) The public charity shall be governed by five directors, two appointed by the Chairman of the House Ways and Means
2 Committee, one of which is based upon the recommendation of the South Carolina Association of Christian Schools and one which
3 is based upon the recommendation of the Diocese of Charleston, two appointed by the Chairman of the Senate Finance Committee
4 based upon the recommendations of the South Carolina Independent Schools Association and one appointed by the Governor based
5 upon the recommendation of the Palmetto Association of Independent Schools. The directors of the public charity, along with the
6 Director of the Department of Revenue, shall designate an executive director of the public charity.

7 (4) In concert with the public charity directors, the Department of Revenue shall administer the public charity, including,
8 but not limited to, the keeping of records, the management of accounts, and disbursement of the grants awarded pursuant to this
9 proviso. The public charity may expend up to two percent of the fund for administration and related costs. Neither the department
10 or the public charity may expend public funds to administer the program.

11 (5) By June thirtieth of the current fiscal year, the Department of Revenue must report to the Chairman of the Senate
12 Finance Committee, the Chairman of the House Ways and Means Committee and the Governor:

- 13 (a) the number and total amount of grants issued to eligible schools in the fiscal year;
- 14 (b) for each grant issued to an eligible school in the fiscal year, the identity of the school and the amount of the grant;
- 15 (c) an itemization and detailed explanation of any fees or other revenues obtained from or on behalf of any eligible
16 schools;
- 17 (d) a copy of a compilation, review, or audit of the fund's financial statements, conducted by a certified public
18 accounting firm and;
- 19 (e) the criteria and eligibility requirements for scholarship awards.

20 (C) (1) Grants may be awarded in an amount not exceeding eleven thousand dollars or the total annual cost of tuition,
21 whichever is less, to a qualifying student at an eligible school.

22 (2) Before awarding any grant, the public charity must receive written documentation from the qualifying student's parent
23 or guardian documenting that the qualifying student is an exceptional needs child. Upon approving the application, the public
24 charity must issue a check to the eligible school in the name of the qualifying student within either thirty days upon approval of the
25 application or thirty days of the start of the school's semester.

26 (3) In the event that the qualifying student leaves or withdraws from the school for any reason before the end of the
27 semester or school year and does not reenroll within thirty days, then the eligible school must return a prorated amount of the grant
28 to the public charity based on the number of days the qualifying student was enrolled in the school during the semester or school
29 year within sixty days of the qualifying student's departure.

30 (4) The public charity may not award grants solely for the benefit of one school.

31 (5) The department or the public charity may not release any personally identifiable information pertaining to students or
32 donors or use information collected about donors, students, or schools for financial gain.

33 (6) The public charity shall develop a process to prioritize the awarding of grants to eligible incumbent grant recipients at
34 eligible schools.

35 (D) (1) (a) Tax credits authorized by subsection (H)(1) and subsection (I) of this proviso annually may not exceed
36 cumulatively a total of eleven million dollars for contributions to the Educational Credit for Exceptional Needs Children Fund.

1 (b) Tax credits authorized pursuant to subsection (H)(2) of this proviso annually may not exceed cumulatively a total
2 of two million dollars for tuition payments made on behalf of qualifying students.

3 (c) If the department determines that the total of the credits claimed by all taxpayers exceeds either limit amount as
4 contained in items (a) or (b), it shall allow credits only up to those amounts on a first come, first served basis.

5 (2) (a) The department shall establish an application process to determine the amount of credit available to be claimed.
6 The receipt of the application by the department shall determine priority for the credit. Subject to the provisions of subitem (e),
7 contributions must be made annually on or before June thirtieth, in order to claim the credit. The credit must be claimed on the
8 return for the tax year that the contribution is made.

9 (b) A taxpayer may not claim more than sixty percent of his total tax liability for the year in contribution toward the
10 tax credit authorized by subsection (H)(1) or subsection (I). This credit is not refundable.

11 (c) If a taxpayer deducts the amount of the contribution on his federal return and claims the credit allowed by
12 subsection (H)(1) or subsection (I), then he must add back the amount of the deduction for purposes of South Carolina income
13 taxes.

14 (d) The department shall prescribe the form and manner of proof required to obtain the credit authorized by
15 subsection (H)(1) or subsection (I). The department shall also develop a method of informing taxpayers if the credit limit is met at
16 any time during the fiscal year.

17 (e) A taxpayer only may claim a credit pursuant to subsection (H)(1) and subsection (I) for contributions made during
18 the fiscal year.

19 (3) A corporation or entity entitled to a credit under subsection (H)(1) and subsection (I) may not convey, assign, or
20 transfer the credit authorized by this proviso to another entity unless all of the assets of the entity are conveyed, assigned, or
21 transferred in the same transaction.

22 (E) (1) On or before August first, of the current fiscal year an independent school who participated in the program in the prior
23 fiscal year and who desires to participate in the program in the current fiscal year must reapply to the Education Oversight
24 Committee. The independent school must certify to the Education Oversight Committee that it continues to meet all program
25 requirements and must provide to the committee student test score data from the prior school year by December thirty-first. If
26 student test score data are not submitted by December thirty-first, then the Education Oversight Committee must remove the school
27 from the program. The Education Oversight Committee must consult with the Southern Association of Colleges and Schools, the
28 South Carolina Association of Christian Schools, the South Carolina Independent Schools Association, Palmetto Association of
29 Independent Schools, or the Diocese of Charleston to verify that the school is still a member in good standing and that the school
30 continues to serve exceptional needs children. An independent school who did not participate in the program in the prior fiscal
31 year but desires to participate in the program in the current fiscal year must apply to the Education Oversight Committee. The
32 Education Oversight Committee shall develop an application to be completed by the independent schools which must contain at
33 least:

34 (a) the number and total amount of grants received in the preceding fiscal year;

1 (b) student test scores, by category, on national achievement or state standardized tests, or both, for all grades tested
2 and administered by the school receiving or entitled to receive scholarship grants pursuant to this chapter in the previous fiscal
3 year;

4 (c) a copy of a compilation, review, or compliance audit of the organization's financial statements as relating to the
5 grants received, conducted by a certified public accounting firm; and

6 (d) a certification by the independent school that it meets the definition of an eligible school as that term is defined in
7 subsection (A)(1) and that the report is true, accurate, and complete under penalty of perjury in accordance with Section 16-9-10.

8 (2) (a) The Education Oversight Committee may waive the August first deadline contained in subsection (E) upon good
9 cause shown by an independent school.

10 (b) The Education Oversight Committee may waive some or all of the curriculum requirements contained in subsection
11 (A)(1)(d) following consultation with the advisory committee.

12 (3) (a) By September 1, 2016 the Education Oversight Committee shall publish on its website a comprehensive list of
13 independent schools certified as eligible institutions. The list shall include for each eligible institution:

14 (i) the institution's name, addresses, telephone numbers, and, if available, website addresses; and

15 (ii) the score reports and compliance audits received by the committee pursuant to subsection (E)(1)(b) and (c).

16 (b) The Education Oversight Committee shall summarize or redact the score reports identified in item (3)(a)(ii) if
17 necessary to prevent the disclosure of personally identifiable information.

18 (4) An independent school that does not apply for certification pursuant to this subsection must not be included on the list
19 of eligible schools and contributions to that school shall not be allowed for purposes of the tax credits permitted by this proviso.

20 (5) An independent school that is denied certification pursuant to this section may seek review by filing a request for a
21 contested case hearing with the Administrative Law Court in accordance with the court's rules of procedure.

22 (F) (1) The Education Oversight Committee shall establish an advisory committee made up of not more than nine members,
23 including parents, and representatives of independent schools and independent school associations.

24 (2) The advisory committee shall:

25 (a) consult with the Education Oversight Committee concerning requests for exemptions from curriculum
26 requirements; and

27 (b) provide recommendations on other matters requested by the Education Oversight Committee.

28 (G) Except as otherwise provided, the Department of Education, the Education Oversight Committee, and the Department of
29 Revenue, nor any other state agency may regulate the educational program of an independent school that accepts students receiving
30 scholarship grants pursuant to this chapter."

31 (H) (1) A taxpayer is entitled to a tax credit against income taxes imposed pursuant to Chapter 6, Title 12 for the amount of
32 cash and the monetary value of any publicly traded securities the taxpayer contributes to the Educational Credit for Exceptional
33 Needs Children Fund up to the limits contained in subsection (D)(1)(a) of this proviso if:

34 (a) the contribution is used to provide grants for tuition to exceptional needs children enrolled in eligible schools who
35 qualify for these grants under the provisions of this proviso; and

36 (b) the taxpayer does not designate a specific child or school as the beneficiary of the contribution.

1 (2) (a) A taxpayer is entitled to a refundable tax credit against income taxes imposed pursuant to Chapter 6, Title 12 for
2 the amount of cash and the monetary value of any publicly traded securities, not exceeding eleven thousand dollars per child, for
3 tuition payments to an eligible school for an exceptional needs child within his custody or care who would be eligible for a grant
4 pursuant to this proviso up to the limits contained in subsection (D)(1)(b) of this proviso.

5 (b) If a child within the care and custody of taxpayer claiming a tax credit pursuant to this item also receives a grant
6 from the Educational Credit for Exceptional Needs Children Fund, then the taxpayer may only claim a credit equal to the
7 difference of eleven thousand dollars or the cost of tuition, whichever is lower, and the amount of the grant.

8 (I) A taxpayer is entitled to a tax credit against income taxes imposed pursuant to Chapter 11, Title 12 for the amount of cash
9 and the monetary value of any publicly traded securities the taxpayer contributes to the Educational Credit for Exceptional Needs
10 Children Fund up to the limits contained in subsection (D)(1)(a) of this proviso if:

11 (1) the contribution is used to provide grants for tuition to exceptional needs children enrolled in eligible schools who
12 qualify for these grants under the provisions of this proviso; and

13 (2) the taxpayer does not designate a specific child or school as the beneficiary of the contribution.

14 (J) The department shall conduct a comprehensive study of the Exceptional Needs Tax Credit program. The study shall
15 examine the following:

16 (1) whether or not the students participating in the program have experienced measurable improvement as a result of
17 participation;

18 (2) the allocation of scholarship funds and tax credits among students, including the effect of funding limitations on the
19 addition of new participants; the demographic and socio-economic data of the participants and their families; and the geographical
20 distribution of the participants;

21 (3) the distribution of scholarship funds among all eligible schools;

22 (4) identification of the schools in which the most measurable improvement has occurred among students, with an analysis of
23 the types of schools achieving the best results and best practices implemented by those schools; and

24 (5) any other aspect of the program that the department determines would be relevant and useful in making future policy
25 decisions in regard to the program and its continued existence or expansion.

26 The department shall submit a report of its study to the General Assembly no later than January 15, 2018.

27 28 **SECTION 110 - R520 - STATE ETHICS COMMISSION**

29
30 **110.1.** (ETHICS: Ethics Commission Website Changes) In the current fiscal year, prior to approving or adopting any changes
31 to the State Ethics Commission Public Disclosure and Accountability Reporting System, the State Ethics Commission shall submit
32 the proposed changes to the Senate Ethics Committee and House of Representatives Ethics Committee for their review and
33 approval. As third party beneficiaries to any agreement between the State Ethics Commission and a vendor relating to the State
34 Ethics Commission Public Disclosure and Accountability Reporting System, the General Assembly through its respective Ethics
35 Committees can submit suggested changes to any proposed agreement or contract relating to the State Ethics Commission Public

1 Disclosure and Accountability Reporting System and the State Ethics Commission shall be required to incorporate those
2 suggestions into any contractual negotiation.

3 **110.2. (ETHICS: Lobbyist and Lobbyist Principal Registration Fees)** For the current fiscal year the lobbyist registration fee as
4 specified in Section 2-17-20 and the lobbyist principal registration fee as specified in Section 2-17-25 of the South Carolina Code
5 shall be two hundred dollars. Further, any individual paid to influence decision made by county, city, or town councils must
6 register as a lobbyist and their employer must likewise register as a lobbyist principal. The State Ethics Commission may retain,
7 expend, and carry forward all revenue from the collection of the registration fees.

9 **SECTION 111 - S600 - PROCUREMENT REVIEW PANEL**

11 **111.1. (PRP: Filing Fee)** Requests for administrative review before the South Carolina Procurement Review Panel shall be
12 accompanied by a filing fee of two hundred and fifty dollars (\$250.00), payable to the SC Procurement Review Panel. The panel is
13 authorized to charge the party requesting an administrative review under the S.C. Code Sections 11-35-4210(6), 11-35-4220(5),
14 11-35-4230(6), 11-35-4330, and/or 11-35-4410. The funds generated by the filing fee shall be retained by the panel and carried
15 forward to be used for the operation of the panel. Withdrawal of an appeal will result in the filing fee being forfeited to the panel.
16 If a party desiring to file an appeal is unable to pay the filing fee because of financial hardship, the party shall submit a completed
17 Request for Filing Fee Waiver form at the same time the request for review is filed. The panel shall make the Request for Filing
18 Fee Waiver forms available to the chief procurement officers to provide to parties along with notice of right to appeal to the panel.
19 If the filing fee is not waived, the party must pay the filing fee within fifteen days of the date of receipt of the order denying waiver
20 of the filing fee. Requests for administrative review will not be accepted unless accompanied by the filing fee or a completed
21 Request for Filing Fee Waiver form at the time of filing.

23 **SECTION 112 - V040 - DEBT SERVICE**

25 **112.1. (DS: Excess Debt Service)** Excess debt service funds from Fiscal Year ~~2016-17~~ 2017-18 must be carried forward and
26 expended in Fiscal Year ~~2017-18~~ 2018-19 to pay down general obligation bond debt for which the State (1) is paying the highest
27 rate of interest, (2) will achieve relief in constrained debt capacity, or (3) reduce the amount of debt issued.

29 **SECTION 113 - X220 - AID TO SUBDIVISIONS, STATE TREASURER**

31 **113.1. (AS-TREAS: Veterans' Affairs-Aid to Counties)** In the allocation of the appropriation in Part IA, Section 113, as
32 adjusted for "Aid to County Veteran Offices," each county shall receive an effective annual amount equal to one hundred percent
33 of the amount allocated to it for the prior fiscal year plus an amount equivalent to base pay increases for state employees, less any
34 adjustments made for budget reductions. This allocation shall be distributed on a quarterly basis to the County Treasurer who will
35 handle and distribute these monies for the sole benefit and use of the County Veterans' Affairs Offices.

1 **113.2.** (AS-TREAS: Quarterly Distributions) For ~~Fiscal Year 2017-18~~ *the current fiscal year*, one quarter of the amount
 2 appropriated in Part IA for Aid to Subdivisions-Local Government Fund shall be distributed as soon after the beginning of each
 3 quarter as practical with the four distributions together totaling the ~~Fiscal Year 2017-18~~ *current fiscal year* Part IA appropriation
 4 for the Local Government Fund.

5 **113.3.** (AS-TREAS: Salary Supplements) The amounts appropriated in Part IA, Section 113, for Aid Cnty-Clerks of Court, Aid
 6 Cnty-Probate Judges, Aid Cnty-Coroners, and Aid Cnty-Sheriffs shall be distributed by the State Treasurer to each county treasurer
 7 equally on a quarterly basis, and shall be used as a salary supplement for each clerk of court, probate judge, county coroner, and
 8 county sheriff. The amounts appropriated in Part IA, Section 113 for Aid Cnty-Register of Deeds, shall be equally distributed by
 9 the State Treasurer to the appropriate county treasurer on a quarterly basis, and shall be used as a salary supplement for registers of
 10 deeds.

11 The amount appropriated in Part IA, Section 113, for Aid Cnty-Auditors and Aid Cnty-Treasurers, shall be equally distributed to
 12 each county auditor and county treasurer as a salary supplement in addition to any amounts presently being provided by the county
 13 for these positions. It is the intent of the General Assembly that the amount appropriated by the county as salaries for these
 14 positions shall not be reduced as a result of the appropriation and that such appropriation shall not disqualify each county auditor
 15 and each county treasurer for salary increases that they might otherwise receive from county funds in the future. The salary
 16 supplement for each county auditor and county treasurer shall be paid in accordance with the schedule and method of payment
 17 established for state employees.

18 The amounts appropriated in Part IA, Section 113 for Clerks of Court, Probate Judges, Sheriffs, Register of Deeds, Coroners,
 19 Auditors, and Treasurers shall be exempt from any across the board cut mandated by the Executive Budget Office or General
 20 Assembly. However, the governing body of a county may reduce the expenditures in the operation of the offices of these officials
 21 without any required corresponding reduction in the county's state aid to subdivisions distribution. However, any reduction in
 22 these officials' budgets must be made in consultation with the affected official.

23 **113.4.** (AS-TREAS: Legislative Delegations) In the current fiscal year, a county government must fund its legislative
 24 delegation budget pursuant to Section 3, Act No. 283 of 1975. If a county council does not meet that funding level, the amount of
 25 the shortfall must be deducted from the responsible county's Aid to Subdivisions allocation and forwarded to the legislation
 26 delegation of the county. Additionally, the responsible county's remaining Aid to Subdivisions allotment must be reduced by
 27 twenty-five percent of the shortfall amount, which sum must be forwarded to the legislative delegation to be used for its
 28 administrative costs.

29 **113.5.** (AS-TREAS: LGF) For Fiscal Year ~~2017-18~~ *2018-19*, the provisions of Section 6-27-30 and Section 6-27-50 of the
 30 1976 Code are suspended.

31 **113.6.** (AS-TREAS: Transparency-Political Subdivision Appropriation of Funds) (A) A political subdivision receiving aid
 32 from the Local Government Fund may not:

33 (1) appropriate money to any entity unless that appropriation appears as a separate and distinct line item in the political
 34 subdivision's budget or in an amendment to the political subdivision's budget;

35 (2) except in cases of emergency or unforeseen circumstances, donate funds to a nonprofit organization unless the amounts
 36 donated are appropriated on a separate and distinct line item in the political subdivision's budget or an amendment to the political

subdivision's budget that includes the names of the entities to which the donations are being made. In the case of an emergency or unforeseen circumstances, a political subdivision may donate funds to a nonprofit organization if the amount and purpose of the proposed donation and the nature of the emergency or unforeseen circumstances necessitating the donation are announced in open session at a public meeting held by the governing body of the political subdivision and the funds are not delivered to the organization for five days following the announced intent to make the donation; or

(3) accept any funds from nongovernmental and inter-governmental organizations as defined in Agenda 21, adopted by the United Nations in 1992 at its Conference on Environment and Development, accredited and enlisted by the United Nations to assist in the implementation of its policies relative to Agenda 21 around the world without posting the following on the political subdivision's website for ten days:

(a) a full and detailed list of the funding program, including a designation that the funding program is associated with Agenda 21,

(b) the amount of funds involved,

(c) every mandate or requirement or action that will result from the grant or funding program's implementation,

(d) any and all projected costs to the political subdivision, business, or individual associated with the grant or funding program, and

(e) the stated goals and expected results of the grant or funding program.

(B) A political subdivision receiving aid from the Local Government Fund may not appropriate money to any entity without the requirement that the entity provides at the end of the fiscal year a detailed description of the purposes for which the money was used.

113.7. (AS-TREAS: Political Subdivision Flexibility) For Fiscal Year ~~2017-18~~ 2018-19, a political subdivision receiving aid from the Local Government Fund may reduce its support to any state mandated program or requirement, by up to a percentage equal to the percentage reduction in the actual amount appropriated to the Local Government Fund as compared to the amount required to be appropriated pursuant to Section 6-27-30. Excluded from said reductions are Administrative Law Judges and their offices, Court of Appeals and their offices, Circuit and Family Courts and their offices, Magistrates and their offices, Masters-in-Equity and their offices, Probate Courts and their offices, Public Defenders and their offices, Solicitors and their offices, and the Supreme Court and their offices, and assessment for indigent medical care pursuant to Section 44-6-146 of the 1976 Code.

113.8. (AS-TREAS: Agricultural Use Exemption) A county shall have its portion of the Aid to Subdivisions, Local Government Fund withheld if the county imposes any additional requirements for an agricultural use exemption for a landowner's timberland beyond what is required by Section 12-43-230(a) and Section 12-43-232 of the 1976 Code.

SECTION 117 - X900 - GENERAL PROVISIONS

117.1. (GP: Revenues, Deposits Credited to General Fund) For the current fiscal year, except as hereinafter specifically provided, all general state revenues derived from taxation, licenses, fees, or from any other source whatsoever, and all institutional and departmental revenues or collections, including income from taxes, licenses, fees, the sale of commodities and services, and

income derived from any other departmental or institutional source of activity, must be remitted to the State Treasurer at least once each week, when practical, and must be credited, unless otherwise directed by law, to the General Fund of the State. Each institution, department or agency, in remitting such income to the State Treasurer, shall attach with each such remittance a report or statement, showing in detail the sources itemized according to standard budget classification from which such income was derived, and shall, at the same time, forward a copy of such report or statement to the Comptroller General and the Executive Budget Office. In order to facilitate the immediate deposit of collections, refunds of such collections by state institutions where properly approved by the authorities of same, may be made in accordance with directions from the State Comptroller General and State Treasurer. General fund appropriations herein made for the support of the public school system of the State must be greater than or equal to the revenues derived from the General Retail Sales Tax, the Soft Drinks Tax, and the state's portion of the Alcoholic Liquors Tax and Cable Television Fees as forecasted in the general fund revenue estimate of the Board of Economic Advisors as accounted for in the Statement of Revenues of this act. Appropriations in this act for the support of the public school system shall include the following:

- Department of Education;
- State Board for Technical and Comprehensive Education;
- Educational Television Commission;
- Wil Lou Gray Opportunity School;
- School for the Deaf and the Blind;
- John de la Howe School;
- Debt Service on Capital Improvement Bonds Applicable to
- Above Agencies;
- Debt Service on School Bonds;
- Other School Purposes.

Nothing contained herein shall be construed as diminishing the educational funding requirements of this section.

117.2. (GP: Appropriations From Funds) Subject to the terms and conditions of this act, the sums of money set forth in this part, if so much is necessary, are appropriated from the General Fund of the State, the Education Improvement Act Fund, the Highways and Public Transportation Fund, and other applicable funds, to meet the ordinary expenses of the state government for ~~Fiscal Year 2017-18~~ the current fiscal year, and for other purposes specifically designated.

117.3. (GP: Fiscal Year Definitions) For purposes of the appropriations made by this part, "current fiscal year" means the fiscal year beginning July 1, ~~2017~~ 2018, and ending June 30, ~~2018~~ 2019, and "prior fiscal year" means the fiscal year beginning July 1, ~~2016~~ 2017, and ending June 30, ~~2017~~ 2018.

117.4. (GP: Descriptive Proviso Titles) Descriptive proviso titles listed in this act are for purposes of identification only and are not to be considered part of the official text.

117.5. (GP: Judicial & Involuntary Commitment, Defense of Indigents) It is the responsibility of all agencies, departments and institutions of state government, to provide at no cost and as a part of the regular services of the agency, department or institutions such services as are necessary to carry out the provisions of Chapter 52, Title 44 (Involuntary Commitment), Article 7, Chapter 17, Title 44 of the 1976 Code (Judicial Commitment), Chapter 3, Title 17 of the 1976 Code (Defense of Indigents), and Article 1,

Chapter 3, Title 16 of the 1976 Code (Death Penalty), as amended, upon request of the Judicial Department and/or the appropriate court. To this end, state agencies are directed to furnish to the Judicial Department a list of their employees who are competent to serve as court examiners. The Judicial Department shall forward a copy of this list to the appropriate courts, and the courts shall utilize the services of such state employees whenever feasible. State employees shall receive no additional compensation for performing such services. For the purpose of interpreting this section, employees of the Medical University of South Carolina and individuals serving an internship or residency as an academic requirement or employees who are not full-time state employees and who are not performing duties as state employees are not considered state employees.

117.6. (GP: Case Service Billing Payments Prior Year) Agencies appropriated case services funds who routinely receive prior year case service billings after the old fiscal year has been officially closed are authorized to pay these case service obligations with current funds. This authorization does not apply to billings on hand that have been through a timely agency payment approval process when the old fiscal year closes.

117.7. (GP: Fee Increases) (A) No state agency, department, board, committee, commission, or authority, may increase an existing fee for performing any duty, responsibility, or function unless the fee for performing the particular duty, responsibility, or function is authorized by statutory law and set by regulation except as provided in this paragraph.

(B) This paragraph does not apply to:

- (1) state-supported governmental health care facilities;
- (2) state-supported schools, colleges, and universities;
- (3) educational, entertainment, recreational, cultural, and training programs;
- (4) the State Board of Financial Institutions;
- (5) sales by state agencies of goods or tangible products produced for or by these agencies;
- (6) charges by state agencies for room and board provided on state-owned property;
- (7) application fees for recreational activities sponsored by state agencies and conducted on a draw or lottery basis;
- (8) court fees or fines levied in a judicial or adjudicatory proceeding;
- (9) the South Carolina Public Service Authority or the South Carolina Ports Authority.

(C) This paragraph does not prohibit a state agency, department, board, committee, or commission from increasing fees for services provided to other state agencies, departments, boards, committees, commissions, political subdivisions, or fees for health care and laboratory services regardless of whether the fee is set by statute.

(D) Statutory law for purposes of this paragraph does not include regulations promulgated pursuant to the State Administrative Procedures Act.

117.8. (GP: State Institutions - Revenues & Income) The University of South Carolina, Clemson University, the Medical University of South Carolina (including the Medical University Hospital), The Citadel, Winthrop University, South Carolina State University, Francis Marion University, University of Charleston, Lander University, Coastal Carolina University, and the Wil Lou Gray Opportunity School shall remit all revenues and income, collected at the respective institutions, to the State Treasurer according to the terms of Section 117.1 of this act, but all such revenues or income so collected, except fees received as regular term tuition, matriculation, and registration, shall be carried in a special continuing account by the State Treasurer, to the credit of the respective institutions, and may be requisitioned by said institutions, in the manner prescribed in Section 11-3-185 of the 1976

1 Code, and expended to fulfill the purpose for which such fees or income were levied, but no part of such income shall be used for
2 permanent improvements without the express written approval of the State Fiscal Accountability Authority and the Joint
3 Legislative Capital Bond Review Committee; and it is further required that no such fee or income shall be charged in excess of the
4 amount that is necessary to supply the service, or fulfill the purpose for which such fee or income was charged. Notwithstanding
5 other provisions of this act, funds at state institutions of higher learning derived wholly from athletic or other student contests, from
6 the activities of student organizations, and from the operations of canteens and bookstores, and from approved Private Practice
7 plans at institutions and affiliated agencies may be retained at the institution and expended by the respective institutions only in
8 accord with policies established by the institution's Board of Trustees. Such funds shall be audited annually by the State but the
9 provisions of this act concerning unclassified personnel compensation, travel, equipment purchases and other purchasing
10 regulations shall not apply to the use of these funds.

11 **117.9.** (GP: Transfers of Appropriations) Agencies and institutions shall be authorized to transfer appropriations within
12 programs and within the agency with notification to the Executive Budget Office and Comptroller General. No such transfer may
13 exceed twenty percent of the program budget. Upon request, details of such transfers may be provided to members of the General
14 Assembly on an agency by agency basis. Transfers of appropriations from personal service accounts to other operating accounts or
15 from other operating accounts to personal service accounts may be restricted to any established standard level set by the State
16 Fiscal Accountability Authority upon formal approval by a majority of the members of the State Fiscal Accountability Authority.

17 **117.10.** (GP: Federal Funds - DHEC, DSS, DHHS - Disallowances) Amounts appropriated to the Department of Health and
18 Environmental Control, Department of Social Services and Department of Health and Human Services may be expended to cover
19 program operations of prior fiscal years where adjustment of such prior years are necessary under federal regulations or audit
20 exceptions. All disallowances or notices of disallowances by any federal agency of any costs claimed by these agencies shall be
21 submitted to the State Auditor, the Senate Finance Committee and the House Ways and Means Committee, within five days of
22 receipt of such actions.

23 **117.11.** (GP: Fixed Student Fees) During the current fiscal year, student fees at the state institutions of higher learning shall be
24 fixed by the respective Boards of Trustees as follows:

25 (1) Fees applicable to student housing, dining halls, student health service, parking facility, laundries and all other personal
26 subsistence expenses shall be sufficient to fully cover the total direct operating and capital expenses of providing such facilities and
27 services over their expected useful life except those operating or capital expenses related to the removal of asbestos.

28 (2) Student activity fees may be fixed at such rates as the respective Boards shall deem reasonable and necessary.

29 **117.12.** (GP: Tech Educ. Colleges Student Activity Fees) Notwithstanding any other provisions of this act, funds at technical
30 education colleges derived wholly from the activities of student organizations and from the operations of canteens and bookstores
31 may be retained by the college and expended only in accord with policies established by the respective college's area commission
32 and approved by the State Board for Technical and Comprehensive Education.

33 **117.13.** (GP: Discrimination Policy) It is the policy of the State of South Carolina to recruit, hire, train, and promote
34 employees without discrimination because of race, color, sex, national origin, age, religion or physical disability. This policy is to
35 apply to all levels and phases of personnel within state government, including but not limited to recruiting, hiring, compensation,
36 benefits, promotions, transfers, layoffs, recalls from layoffs, and educational, social, or recreational programs. It is the policy of

1 the State to take affirmative action to remove the disparate effects of past discrimination, if any, because of race, color, sex,
2 national origin, age, religion or physical disability.

3 Each state agency shall submit to the State Human Affairs Commission employment and filled vacancy data by race and sex by
4 October thirty-first, of each year.

5 In accordance with Section 1-13-110 of the 1976 Code, as amended, the Human Affairs Commission shall submit a report on the
6 status of state agencies' Affirmative Action Plans and Programs to the General Assembly by February first each year. This report
7 shall contain the total number of persons employed in each job group, by race and sex, at the end of the preceding reporting period,
8 a breakdown by race and sex of those hired or promoted from within the agency during the reporting period, and an indication of
9 whether affirmative action goals were achieved. For each job group referenced in the Human Affairs report, where the hiring of
10 personnel does not reflect the percentage goals established in the agency's affirmative action plan for the year in question, the state
11 agency shall submit a detailed explanation to the Human Affairs Commission by February fifteenth, explaining why goals were not
12 achieved.

13 The Human Affairs Commission shall review the explanations and notify the Department of Administration of any agency not in
14 satisfactory compliance with meeting its stated goals.

15 The Department of Administration shall notify any agency not in compliance that their request for additional appropriations for
16 the current appropriation cycle, may not be processed until such time as the Department of Administration, after consultation with
17 the Human Affairs Commission, is satisfied that the agency is making a good faith effort to comply with its affirmative action plan,
18 and that the compliance must be accomplished within a reasonable length of time to be determined by the mission and
19 circumstances of the agency. This requirement shall not affect additional appropriation requests for public assistance payments or
20 aid to entities. This section does not apply to those agencies that have been exempted from the reporting requirements of the
21 Human Affairs Commission.

22 **117.14.** (GP: FTE Management) In order to provide the necessary control over the number of employees, the Executive
23 Budget Office is hereby directed to maintain close supervision over the number of state employees, and to require specifically the
24 following:

25 (1) That no state agency exceed the total authorized number of full-time equivalent positions and those funded from state
26 sources as provided in each section of this act except by majority vote of the State Fiscal Accountability Authority.

27 (2) That the Executive Budget Office shall maintain and make, as necessary, periodic adjustments thereto, an official record
28 of the total number of authorized full-time equivalent positions by agency for state and total funding sources.

29 (a) That within thirty days of the passage of the Appropriation Act or by August first, whichever comes later, each
30 agency of the State must have established on the Executive Budget Office records all positions authorized in the Act. Each agency
31 may, upon notification to the Executive Budget Office, change the funding source of state FTE positions established on the
32 Executive Budget Office records as necessary to expend federal and other sources of personal service funds to conserve or stay
33 within the state appropriated personal service funds. No agency shall change funding sources that will cause the agency to exceed
34 the authorized number of state or total full-time equivalent positions. Each agency may transfer FTEs between programs as needed
35 to accomplish the agency mission.

1 (b) That by September thirtieth, the office shall prepare a FTE analysis, by agency, which shows the number of
2 authorized, filled, and vacant positions by source of funds for the current and two previously completed fiscal years. The office
3 shall provide a copy of each agency's FTE analysis to the Senate Finance and House Ways and Means Committees.

4 (3) That full-time equivalent (FTE) positions shall be determined under the following guidelines:

5 (a) The annual work hours for each FTE shall be the agency's full-time standard annual work hours.

6 (b) The state FTE shall be derived by multiplying the state percentage of budgeted funds for each position by the FTE
7 for that position.

8 (c) All institutions of higher education shall use a value of 0.75 FTE for each position determined to be full-time faculty
9 with a duration of nine months.

10 The FTE method of accounting shall be utilized for all authorized positions.

11 (4) That the number of positions authorized in this act shall be reduced in the following circumstances:

12 (a) Upon request by an agency.

13 (b) When anticipated federal funds are not made available.

14 (c) When the Executive Budget Office, through study or analysis, becomes aware of any unjustifiable excess of
15 positions in any state agency.

16 ~~—(5) That the number of positions authorized in this act shall be increased for the sole purpose of classifying Temporary,~~
17 ~~Time Limited and Temporary Grant positions created prior to July 1, 2017, that merit such classification as FTEs because the~~
18 ~~agency has determined that the duties will continue indefinitely. The new FTEs created through this process and filled by existing~~
19 ~~non-FTE staff shall be exempt from the posting process. Additionally, affected Temporary Grant and Time Limited employees~~
20 ~~shall transfer any unused annual and sick leave to their FTE positions.~~

21 ~~—The Division of State Human Resources, in consultation with the Executive Budget Office, shall formulate guidelines for the~~
22 ~~administration of this item. The request by the agency must include a justification for changing the position, justification of an~~
23 ~~insufficient vacancy pool, identification of sufficient funds with current appropriations, identification of source of funds to be~~
24 ~~utilized, and assurance that the FTEs are not being used to create new jobs. The guidelines shall also include a process for~~
25 ~~submitting requests including a deadline for submission of requests.~~

26 ~~—The Department of Administration shall review the request and approve, deny, or modify it as appropriate. The department shall~~
27 ~~further ensure that the FTE Constitutional limits are observed. This item in no way requires agencies to submit requests, and does~~
28 ~~not guarantee any employment status to staff. A report on FTE issuance through this item shall be submitted to the Chairman of~~
29 ~~the Senate Finance Committee and the Chairman of the House Ways and Means Committee no later than January sixth of the~~
30 ~~current fiscal year.~~

31 (6) That no new permanent positions in state government shall be funded by appropriations in acts supplemental to this act
32 but temporary positions may be so funded.

33 (7) That the provisions of this section shall not apply to personnel exempt from the State Classification and Compensation
34 Plan under item I of Section 8-11-260 of the 1976 Code.

35 The Governor, in making his appropriation recommendations to the Ways and Means Committee, must provide that the level of
36 personal service appropriation recommended for each agency is at least ninety-seven percent of the funds required to meet one

1 hundred percent of the funds needed for the full-time equivalents positions recommended by the Governor (exclusive of new
2 positions).

3 **117.15.** (GP: Allowance for Residences & Compensation Restrictions) That salaries paid to officers and employees of the
4 State, including its several boards, commissions, and institutions shall be in full for all services rendered, and no perquisites of
5 office or of employment shall be allowed in addition thereto, but such perquisites, commodities, services or other benefits shall be
6 charged for at the prevailing local value and without the purpose or effect of increasing the compensation of said officer or
7 employee. The charge for these items may be payroll deducted at the discretion of the Comptroller General or the chief financial
8 officer at each agency maintaining its own payroll system. This shall not apply to the Governor's Mansion, nor to guards at any of
9 the state's penal institutions and nurses and attendants at the Department of Disabilities and Special Needs, and registered nurses
10 providing clinical care at the MUSC Medical Center, nor to the Superintendent and staff of John de la Howe School, nor to the
11 cottage parents and staff of Wil Lou Gray Opportunity School, nor to full-time or part-time staff who work after regular working
12 hours in the SLED Communications Center or Maintenance Area, nor to adult staff at the Governor's School for Science and
13 Mathematics and the Governor's School for Arts and Humanities who are required to stay on campus by the institution because of
14 job requirements or program participation. Any state institution of higher learning may provide complimentary membership
15 privileges to employees who work at their wellness centers. The presidents of those state institutions of higher learning authorized
16 to provide on-campus residential facilities for students may be permitted to occupy residences on the grounds of such institutions
17 without charge.

18 Any state institution of higher learning may provide a housing allowance to the president in lieu of a residential facility, the
19 amount to be approved by the State Fiscal Accountability Authority.

20 That the following may be permitted to occupy residences owned by the respective departments without charge: the Farm
21 Director, Farm Managers, and Specialists employed at the Wateree River Correctional Institution; the South Carolina State
22 Commission of Forestry fire tower operators, forestry aides, and caretaker at central headquarters; the Department of Natural
23 Resources' Game Management Personnel, Fish Hatchery Personnel, and Fort Johnson Superintendent; the Department of Parks,
24 Recreation and Tourism field personnel in the State Parks Division; Director of Wil Lou Gray Opportunity School; President of the
25 School for the Deaf and the Blind; houseparents for the Commission for the Blind; South Carolina Department of Health and
26 Environmental Control personnel at the State Park Health Facility and Camp Burnt Gin; Residence Life Coordinators at Lander
27 University; Residence Life Directors, temporary and transition employees, student interns, and emergency personnel at Winthrop
28 University; Farm Superintendent at Winthrop University; Residence Hall Directors at the College of Charleston; the Department of
29 Disabilities and Special Needs' physicians and other professionals at Whitten Center, Clemson University Off-Campus
30 Agricultural Staff and Housing Area Coordinators; and TriCounty Technical College's Bridge to Clemson Resident and Area
31 Directors; and housing maintenance night supervisors, residence life directors, temporary and transition employees, and emergency
32 medical personnel occupying residences owned by the University of South Carolina. Except in the case of elected officials, the fair
33 market rental value of any residence furnished to a state employee shall be reported by the state agency furnishing the residence to
34 the Agency Head Salary Commission, and the Department of Administration by October first of each fiscal year.

35 All salaries paid by departments and institutions shall be in accord with a uniform classification and compensation plan,
36 approved by the Department of Administration, applicable to all personnel of the State Government whose compensation is not

1 specifically fixed in this act. Such plan shall include all employees regardless of the source of funds from which payment for
2 personal service is drawn. The Department of Administration is authorized to approve temporary salary adjustments for classified
3 and unclassified employees who perform temporary duties which are limited by time and/or funds. When approved, a temporary
4 salary adjustment shall not be added to an employee's base salary and shall end when the duties are completed and/or the funds
5 expire. Academic personnel of the institutions of higher learning and other individual or group of positions that cannot practically
6 be covered by the plan may be excluded therefrom but their compensations as approved by the Department of Administration shall,
7 nevertheless, be subject to review by the State Fiscal Accountability Authority. Salary appropriations for employees fixed in this
8 act shall be in full for all services rendered, and no supplements from other sources shall be permitted or approved by the State
9 Fiscal Accountability Authority. With the exception of travel and subsistence, legislative study committees shall not compensate
10 any person who is otherwise employed as a full-time state employee. Salaries of the heads of all agencies of the State Government
11 shall be specifically fixed in this act and no salary shall be paid any agency head whose salary is not so fixed. As long as there is
12 no impact on appropriated funds, state agencies and institutions shall be allowed to spend public funds and/or other funds for
13 designated employee award programs which shall have written criteria approved by the agency governing board or commission.
14 For purposes of this section, monetary awards, if any, shall not be considered a part of an employee's base salary, a salary
15 supplement, or a perquisite of employment. The names of all employees receiving monetary awards and the amounts received
16 shall be reported annually to the Department of Administration.

17 In the case of lodging furnished by certain higher education institutions to employees, the prevailing local rate does not apply if
18 the institution meets the exceptions for inadequate rent described in the current Internal Revenue Code Section 119(d)(2). To meet
19 the exception, rental rates must equal the lesser of five percent of the appraised value of the qualified campus lodging, or the
20 average of the rentals paid by individuals (other than employees or students of the educational institution) during the calendar year
21 for lodging provided by the educational institution which is comparable to the qualified campus lodging provided to the employee,
22 over the rent paid by the employee for the qualified campus lodging during the calendar year. The appraised value shall be
23 determined as of the close of the calendar year in which the taxable year begins, or, in the case of a rental period not greater than
24 one year, at any time during the calendar year in which the period begins.

25 **117.16.** (GP: Universities & Colleges - Allowance for Presidents) Presidents of the University of South Carolina, Clemson
26 University, the Medical University of South Carolina, The Citadel, Winthrop University, South Carolina State University, Francis
27 Marion University, University of Charleston, Coastal Carolina University and Lander University must not be paid a fixed
28 allowance for personal expenses incurred in connection with the performance of their official duties. Reimbursements may be
29 made to the presidents from funds available to their respective institutions for any personal expenses incurred provided that all
30 requests for reimbursement are supported by properly documented vouchers processed through the normal accounting procedures
31 of the institutions.

32 **117.17.** (GP: Replacement of Personal Property) The Department of Juvenile Justice, Department of Corrections, Department
33 of Probation, Parole and Pardon Services, Department of Mental Health, Department of Disabilities and Special Needs, Continuum
34 of Care, Department of Social Services and School for the Deaf and the Blind may replace the personal property of an employee
35 which has been damaged or destroyed by a client while in custody of the agency. The replacement of personal property may be
36 made only if the loss has resulted from actions by the employee deemed to be appropriate and in the line of duty by the agency

1 head and if the damaged or destroyed item is found by the agency head to be reasonable in value, and necessary for the employee
2 to carry out the functions and duties of his employment. Replacement of damaged or destroyed items shall not exceed \$250 per
3 item, per incident. Each agency must have guidelines to insure the reasonableness of the replacement payments.

4 **117.18.** (GP: Business Expense Reimbursement) Agency heads and deputy commissioners or deputy directors designated by
5 agency heads may receive reimbursements for business expenses incurred while performing their official duties, provided that
6 receipts are presented when seeking reimbursement and justification is submitted to document the time, place, and purpose of the
7 expense as well as the names of the individuals involved. The Department of Administration shall promulgate regulations
8 governing these expenses.

9 **117.19.** (GP: Per Diem) The per diem allowance of all boards, commissions and committees shall be at the rate of \$35 per day.
10 No full-time officer or employee of the State shall draw any per diem allowance for service on such boards, commissions or
11 committees.

12 **117.20.** (GP: Travel - Subsistence Expenses & Mileage) Travel and subsistence expenses, whether paid from state
13 appropriated, federal, local or other funds, shall be allowed in accordance with the following provisions:

14 (A) Unless otherwise provided in paragraphs B through H of this section, all employees of the State of South Carolina or any
15 agency thereof including employees and members of the governing bodies of each technical college while traveling on the business
16 of the State shall, upon presentation of a paid receipt, be allowed reimbursement for actual expenses incurred for lodging, not to
17 exceed the current maximum lodging rates, excluding taxes, established by the U.S. General Services Administration. The lodging
18 reimbursement for employees of a school district must also conform to these rates when that employee's travel reimbursement is
19 paid by state funds that are transferred to the school district. Agencies may contract with lodging facilities to pay on behalf of an
20 employee. Failure to maintain proper control of direct payments for lodging may result in the revocation of the agency's authority
21 by the Comptroller General or the State Auditor. The employee shall also be reimbursed for the actual expenses incurred in the
22 obtaining of meals except that such costs shall not exceed \$25 per day within the State of South Carolina. For travel outside of
23 South Carolina the maximum daily reimbursement for meals shall not exceed \$32. Agencies may contract with food or dining
24 facilities to pay for meals on behalf of employees in accordance with rules and regulations established by the Office of Comptroller
25 General. It shall be the responsibility of the agency head to monitor the charges for lodging which might be claimed by his
26 employees in order to determine that such charges are following maximum lodging rates as established by the U.S. General
27 Services Administration. Any exceptions must have the written approval of the agency head, taking into consideration location,
28 purpose of travel or other extenuating circumstances. The provisions of this item shall not apply to Section 42-3-40 of the 1976
29 Code, and when pertaining to institutions of higher learning, for travel paid with funds other than General Funds.

30 (B) That employees of the State, when traveling outside the United States, Canada, and Puerto Rico upon promotional business
31 for the State of South Carolina shall be entitled to actual expenses for both food and lodging.

32 (C) The Governor, Lieutenant Governor, Secretary of State, Comptroller General, Attorney General, State Treasurer, Adjutant
33 General, Superintendent of Education and the Commissioner of Agriculture shall be reimbursed actual expenses for subsistence.

34 (D) Non-legislative members of committees appointed pursuant to Acts and Resolutions of the General Assembly whose
35 membership consists solely of members of the General Assembly or members of the General Assembly and other personnel who
36 are not employees of the State of South Carolina shall be allowed subsistence expenses of \$35 per day while traveling on official

1 business, unless otherwise designated by law. Members of such committees may opt to receive actual expenses incurred for
2 lodging and actual expenses incurred in the obtaining of meals in lieu of the allowable subsistence expense.

3 (E) Members of the state boards, commissions, or committees whose duties are not full-time and who are paid on a per diem
4 basis, shall be allowed reimbursement for actual expenses incurred at the rates provided in paragraph A and I of this section while
5 away from their places of residence on official business of the State. One person accompanying a handicapped member of a state
6 board, commission, or committee on official business of the State shall be allowed the same reimbursement for actual expenses
7 incurred at the rates provided in paragraph A through I of this section.

8 (F) No subsistence reimbursement shall be allowed to a Justice of the Supreme Court or Judge of the Court of Appeals while
9 traveling in the county of his official residence. When traveling on official business of said court within fifty miles outside the
10 county of his official residence, a Supreme Court Justice and a Judge of the Court of Appeals shall be allowed subsistence
11 expenses in the amount of \$35 per day plus such mileage allowance for travel as is provided for other employees of the State.
12 When traveling on official business of said court fifty or more miles outside the county of his official residence, each Justice and
13 Judge of the Court of Appeals shall be allowed subsistence expenses in the amount as provided in this act for members of the
14 General Assembly plus such mileage allowance for travel as is provided for other employees of the State. The Chief Justice, or
15 such other person as the Chief Justice designates, while attending the Conference of Chief Justices and one member of the Supreme
16 Court while attending the National Convention of Appellate Court Judges, and three Circuit Judges while attending the National
17 Convention of State Trial Judges shall be allowed actual subsistence and travel expenses.

18 Upon approval of the Chief Justice, Supreme Court Justices, Judges of the Court of Appeals, Circuit Judges, and Family Court
19 Judges shall be reimbursed for actual expenses incurred for all other official business requiring out-of-state expenses at the rate
20 provided in paragraph A of this section.

21 (G) No subsistence reimbursements are allowed to a Circuit Judge, a Family Court Judge, or an Administrative Law Judge
22 while holding court within the county in which he resides. While holding court or on other official business outside the county,
23 within fifty miles of his residence, a Circuit Court Judge, Family Court Judge, or an Administrative Law Judge is entitled to a
24 subsistence allowance in the amount of \$35 per day plus such mileage allowance for travel as is provided for other employees of
25 the State. While holding court or on other official business at a location fifty miles or more from his residence, a Circuit Court,
26 Family Court or Administrative Law Judge is entitled to a subsistence allowance in the amount as provided in this act for members
27 of the General Assembly plus such mileage allowance for travel as is provided for other employees of the State.

28 (H) Any retired Justice, Circuit Court Judge or Family Court Judge or Master-in-Equity appointed by the Supreme Court to
29 serve as a Special Circuit Judge, Family Court Judge, Appeals Court Judge, or Acting Associate Justice shall serve without pay but
30 shall receive the same allowance for subsistence, expenses, and mileage as provided in Part I for Circuit Court Judges.

31 (I) No expense shall be allowed an employee either at his place of residence or at the official headquarters of the agency by
32 which he is employed except as provided in paragraph E, of this section. When an employee is assigned to work a particular
33 territory or district, and such territory or district and his official headquarters are in different localities or sections of the State,
34 expenses may be allowed for the necessary travel to his official headquarters. The members of the Workers' Compensation
35 Commission may be reimbursed at the regular mileage rate of one round trip each week from their respective homes to Columbia.
36 No subsistence reimbursement shall be allowed to a member of the Workers' Compensation Commission while traveling in the

1 county of his official residence. When traveling on official business of the commission outside the county of his official residence,
2 a member of the Workers' Compensation Commission shall be allowed subsistence expenses in the amount of \$35 per day. When
3 traveling on official business of the commission fifty or more miles outside the county of his official residence, each member shall
4 be allowed a subsistence allowance in the amount as provided in this act for members of the General Assembly. When
5 out-of-state, members of the Workers' Compensation Commission and the members of the Appellate Panel of the Department of
6 Employment and Workforce may claim the established amount of per diem, as stated in the General Appropriation Act, or actual
7 expenses as deemed reasonable by the Comptroller General. The members of the Appellate Panel of the Department of
8 Employment and Workforce may be reimbursed at the regular mileage rate when the member is on official business fifty miles or
9 more outside of Columbia. The members of the Appellate Panel of the Department of Employment and Workforce shall be
10 allowed subsistence allowance in the amount as provided in this act for members of the General Assembly when the member is on
11 official business fifty miles or more outside of Columbia.

12 (J) When an employee of the State shall use his or her personal automobile in traveling on necessary official business, a charge
13 to equal the standard business mileage rate as established by the Internal Revenue Service will be allowed for the use of such
14 automobile and the employee shall bear the expense of supplies and upkeep thereof. The standard business mileage rate used in
15 this calculation shall be the current rate established by the Internal Revenue Service. Whenever state provided motor pool vehicles
16 are reasonably available and their use is practical and an employee of the State shall request for his own benefit to use his or her
17 personal vehicle in traveling on necessary official business, a charge of four cents per mile less than the standard business mileage
18 rate as established by the Internal Revenue Service will be allocated for the use of such vehicle and the employee shall bear the
19 expense of supplies and upkeep thereof. The standard business mileage rate used in this calculation shall be the current rate
20 established by the Internal Revenue Service. When such travel is by a state-owned automobile, the State shall bear the expense of
21 supplies and upkeep thereof but no mileage will be allowed. Agencies and employees are directed to use state fueling facilities to
22 the maximum extent possible, when such use is cost beneficial to the State. When using commercial fueling facilities, operators of
23 State-owned vehicles are directed to use self-service pumps. In traveling on the business of the State, employees are required to
24 use the most economical mode of transportation, due consideration being given to urgency, schedules and like factors.

25 Mileage between an employee's home and his/her place of employment is not subject to reimbursement. However, when an
26 employee leaves on a business trip directly from his/her home, and does not go by the employee's headquarters, the employee shall
27 be eligible for reimbursement for actual mileage beginning at his/her residence.

28 (K) That a state agency may advance travel and subsistence expense monies to employees of that agency for the financing of
29 ordinary and necessary travel required in the conducting of the business of the agency. The Office of Comptroller General is
30 directed to develop and publish rules and regulations pertaining to the advancing of travel expenses and no state agency shall make
31 such advances except under the rules and regulations as published. All advances for travel and subsistence monies shall be repaid
32 to the agency within thirty days after the end of the trip or by July fifteenth, whichever comes first.

33 (L) That the state institutions of higher learning are authorized to reimburse reasonable relocation expenses for new employees
34 when such reimbursements are considered by the agency head to be essential to successful recruitment of professionally competent
35 staff members.

1 (M) The Office of Comptroller General is authorized to promulgate and publish rules and regulations governing travel and
2 subsistence payments.

3 (N) No state funds may be used to purchase first class airline tickets.

4 **117.21.** (GP: Organizations Receiving State Appropriations Report) Each organization receiving a contribution in this act shall
5 render to the state agency making the contribution by November first of the fiscal year in which funds are received, an accounting
6 of how the state funds will be spent, a copy of the adopted budget for the current year, and also a copy of the organization's most
7 recent operating financial statement. The funds appropriated in this act for contributions shall not be expended until the required
8 financial statements are filed with the appropriate state agency. No funds in this act shall be disbursed to organizations or purposes
9 which practice discrimination against persons by virtue of race, creed, color or national origin. The State Auditor shall review and
10 audit, if necessary, the financial structure and activities of each organization receiving contributions in this act and make a report to
11 the General Assembly of such review and/or audit, when requested to do so by the State Fiscal Accountability Authority.

12 **117.22.** (GP: State-Owned Aircraft - Flight Logs) Each agency having in its custody one or more aircraft shall maintain a
13 continuing log on all flights, which in order to promote accountability and transparency shall be open for public inspection and
14 shall also be posted online. Any and all aircraft owned or operated by agencies of the State Government shall be used only for
15 official business. The Division of Aeronautics and other agencies owning and operating aircraft may furnish transportation to the
16 Governor, Constitutional Officers, members of the General Assembly, members of state boards, commissions, and agencies and
17 their invitees for official business only; no member of the General Assembly, no member of a state board, commission, or
18 committee, and no state official shall use any state-owned or operated aircraft unless the member or official files within
19 twenty-four hours after the completion of the flight with the agency that provided the flight a sworn statement certifying and
20 describing the official nature of his trip; and no member of the General Assembly, no member of a state board, commission or
21 committee, and no state official shall be furnished air transportation by a state agency unless such agency prepares and maintains in
22 its files a sworn statement from the highest ranking official of the agency or its designee certifying that the member's or state
23 official's trip was in conjunction with the official business of the agency. Official business shall not include routine transportation
24 to and from meetings of the General Assembly or committee meetings for which mileage is authorized. Official business also does
25 not include attending a press conference, bill signing, or political function.

26 All logs shall be signed by the parties using the flight and the signatures shall be maintained as part of the permanent record of
27 any agency. All passengers shall be listed on the flight log by their legal name; passengers flying with an appropriate official of
28 SLED or the Department of Commerce whose confidentiality must, in the opinion of SLED or the department, be protected shall
29 be listed in writing on the flight log as "Confidential Passenger SLED or the Department of Commerce (strike one)" and the
30 appropriate official of SLED or the department shall certify to the agency operating the aircraft the necessity for such
31 confidentiality. The Division of Aeronautics shall post its flight logs on its website within one working day of completion of trips.

32 Violation of the above provisions of this section is prima facie evidence of a violation of Section 8-13-700(A) of the 1976 Code
33 and shall subject a violating member of the General Assembly to the ethics procedure of his appropriate house and shall subject a
34 violating member of a state board, commission or committee, or a state official to the applicable ethics procedure relating to them
35 as provided by law. The above provisions do not apply to state-owned or operated aircraft when used by the Medical University of
36 South Carolina, nor to aircraft of the athletic department or the educational foundations of any state-supported institution of higher

1 education, nor to law enforcement officers when flying on state-owned aircraft in pursuit of fugitives, missing persons, or felons or
2 for investigation of gang, drug, or other violent crimes.

3 Aircraft owned by agencies of state government shall not be leased to individuals for their personal use.

4 **117.23.** (GP: Carry Forward) Each agency is authorized to carry forward unspent general fund appropriations from the prior
5 fiscal year into the current fiscal year, up to a maximum of ten percent of its original general fund appropriations less any
6 appropriation reductions for the current fiscal year. Agencies shall not withhold services in order to carry forward general funds.

7 This provision shall be suspended if necessary to avoid a fiscal year-end general fund deficit. For purposes of this proviso, the
8 amount of the general fund deficit shall be determined after first applying the Capital Reserve Fund provisions in Section
9 11-11-320(D) of the 1976 Code, and before any transfers from the General Reserve. The amount of general funds needed to avoid
10 a year-end deficit shall be reduced proportionately from each agency's carry forward amount.

11 Agencies which have separate general fund carry forward authority must exclude the amount carried forward by such separate
12 authority from their base for purposes of calculating the ten percent carry forward authorized herein. Any funds that are carried
13 forward as a result of this provision are not considered part of the base of appropriations for any succeeding years.

14 **117.24.** (GP: TEFRA-Tax Equity and Fiscal Responsibility Act) It is the intent of the General Assembly that the State
15 Medicaid Plan be amended to provide benefits for disabled children as allowed by the Tax Equity and Fiscal Responsibility Act
16 (TEFRA) option. State agencies, including but not limited to, the Department of Social Services - the Continuum of Care, the
17 Department of Health and Environmental Control, the Department of Mental Health, the Department of Disabilities and Special
18 Needs, and the Department of Health and Human Services shall collectively review and identify existing state appropriations
19 within their respective budgets that can be used as state match to serve these children. Such funds shall be used effective January
20 1, 1995 to implement TEFRA option benefits. Agencies providing services under the provisions of this paragraph must not spend
21 less in the current fiscal year than expended in the previous fiscal year.

22 **117.25.** (GP: Prison Industries) All agencies funded in this act, when procuring goods and services, shall first consider
23 contracting for services or purchasing goods and services through the Department of Corrections' Prison Industries Program. The
24 Department of Corrections shall furnish, upon request, to all agencies a catalogue of goods and services provided by Prison
25 Industries. The department is hereby directed to develop and market a catalogue of Prison Industries products for nationwide
26 circulation.

27 **117.26.** (GP: Travel Report) Annually on November first, the Comptroller General shall issue a report on travel expenditures
28 for the prior fiscal year which shall be distributed to the Senate Finance Committee, the House Ways and Means Committee, and
29 the Statehouse Press Room. The Comptroller General may use up to \$500 of general fund appropriations for the purpose of
30 providing copies to the media or the public upon request. The report must contain a listing for every agency receiving an
31 appropriation in the annual General Appropriations Act. The listing must show at a minimum the top ten percent of employees for
32 whom travel expenses and registration fees were paid within each agency, not to exceed twenty-five employees per agency.
33 Agencies should include position titles for each of the top twenty-five travelers for each agency. Expenditures must include state,
34 federal and other sources of funds. Expenditures for in-state and out-of-state registration fees (fees to attend conferences,
35 teleconferences, workshops, or seminars for training on a per person basis) must be shown as a separate subtotal within the grand
36 total for the individual employees and the agency as a whole. The list for each agency must be in rank order with the largest

1 expenditure first and the name of the employee must be shown with each amount. Agencies should include a brief summary of the
2 type of travel the agency incurs. The Comptroller General may provide additional information as deemed appropriate. The
3 Comptroller General shall provide no exceptions to this report in that the information contained is not considered confidential or
4 restricted for economic development purposes. However, further disclosure of detailed information shall be restricted as provided
5 for by law.

6 **117.27.** (GP: School Technology Initiative) From the funds appropriated/authorized for the K-12 technology initiative, the
7 Department of Education, in consultation with the Department of Administration, the State Library, the Educational Television
8 Commission, and a representative from the Education Oversight Committee, shall administer the K-12 technology initiative funds.
9 These funds are intended to provide technology, encourage effective use of technology in K-12 public schools throughout the state,
10 conduct cost/benefit analyses of the various technologies, and should, to the maximum extent possible, involve public-private
11 sector collaborative efforts. Funds may also be used to establish pilot projects for new technologies with selected school districts
12 as part of the evaluation process. K-12 technology initiative funds shall be retained and carried forward to be used for the same
13 purpose.

14 **117.28.** (GP: State-Operated Day Care Facilities Fees) Any state agency receiving funding in this act and any higher education
15 institution, including four-year institutions, two-year institutions, and technical colleges, that operates an early childhood
16 development center or day care facility shall charge, at a minimum, fees that are comparable to those charged by private day care
17 facilities in the local community. The institution or agency shall not restrict enrollment in the center solely to the children of
18 faculty, staff, and students of the institution; nor shall fees be set at a lower level for faculty, staff, or students of the institution or
19 agency.

20 **117.29.** (GP: Base Budget Analysis) Agencies' annual accountability reports for the prior fiscal year, as required in Section
21 1-1-810, must be accessible to the Governor, Senate Finance Committee, House Ways and Means Committee, and to the public on
22 or before September fifteenth, for the purpose of a zero-base budget analysis and in order to ensure that the Agency Head Salary
23 Commission has the accountability reports for use in a timely manner. Accountability Report guidelines shall require agencies to
24 identify key program area descriptions and expenditures and link these to key financial and performance results measures. The
25 Executive Budget Office is directed to develop a process for training agency leaders on the annual agency accountability report and
26 its use in financial, organizational, and accountability improvement. Until performance-based funding is fully implemented and
27 reported annually, the state supported colleges, universities and technical schools shall report in accordance with Section
28 59-101-350.

29 **117.30.** (GP: Collection on Dishonored Payments) In lieu of any other provision of law, any state agency may collect a service
30 charge as provided in Section 34-11-70 to cover the costs associated with the processing and collection of dishonored instruments
31 or electronic payments where any amount is not paid by the drawee due to insufficient funds on deposit with the bank or the person
32 upon which it was drawn when presented, or the instrument has an incorrect or insufficient signature on it. Such funds shall be
33 retained and expended by the agency in accordance with this purpose and any unused amount shall carry forward to the following
34 fiscal year.

35 **117.31.** (GP: State DNA Database) Funds collected by the South Carolina Department of Corrections, the Department of
36 Probation, Parole and Pardon, and Department of Juvenile Justice to process DNA samples must be remitted to the State Law

1 Enforcement Division to offset the expenses incurred to operate the State DNA Database program. SLED may retain, expend, and
2 carry forward these funds. Any carry forward funds resulting from the DNA Database program must be used solely to operate the
3 DNA Database program.

4 **117.32.** (GP: Voluntary Separation Incentive Program) State agencies may implement, in consultation with the Department of
5 Administration, a program to realign resources to include provisions for a separation incentive payment for employees which may
6 include the employer portion of health and dental benefits not to exceed one year. Employees participating in such program shall
7 not be eligible to participate in the Teacher and Employee Retention Incentive (TERI) program. Employees participating in such
8 program shall be considered to have voluntarily quit their employment without good cause and be subject to the provisions of
9 Section 41-35-120(1) of the South Carolina Employment Security Law. Any program developed under this provision will involve
10 voluntary participation from employees and will be funded within existing appropriations. The program must be approved by the
11 agency head and the Director of the Human Resources Division based on ability to demonstrate recurring cost savings for
12 realignment and/or permanent downsizing. State agencies shall report the prior year's results to the Department of Administration
13 by August fifteenth, of the current fiscal year. The Department of Administration, upon request, shall report to the Senate Finance
14 Committee and the House Ways and Means Committee on these results.

15 ~~**117.33.** (GP: Alternative Commitment to Truancy) As part of its plan for an alternative school, a school district receiving~~
16 ~~funds from the Department of Education for an alternative school shall identify available alternatives to commitment for children~~
17 ~~whose truancy is approaching the level of being referred to family court. When proceeding under S.C. Code Section 59-65-50 to~~
18 ~~bring an individual case before the family court, the school district must present this plan as well as the district's efforts with~~
19 ~~respect to the individual child to the court. Each school district's plan under this proviso shall include possible assignment to~~
20 ~~alternative school for a non-attending child before petitioning the court.~~

21 **117.34.** (GP: Debt Collection Reports) Each state agency shall provide to the Chairmen of the Senate Finance and House of
22 Representatives Ways and Means Committees and the Inspector General a report detailing the amount of its outstanding debt and
23 all methods it has used to collect that debt. This report is due by the last day of February for the previous calendar year. For
24 purposes of this provision, outstanding debt means a sum remaining due and owed to a state agency by a nongovernmental entity
25 for more than sixty calendar days.

26 **117.35.** (GP: State-Funded Libraries - Web Filters) (A) A library receiving state funds, directly, indirectly, by grant, or
27 otherwise, other than a library at an institution of higher learning, that has computers available for use by the public or students, or
28 both, must equip these computers with software incorporating web-filtering technology designed to eliminate or reduce the ability
29 of the computer to access sites displaying pornographic pictures or text. However, up to ten percent, and at least one, of the
30 library's computers must be unfiltered. Each library's governing officials shall determine the physical location of any unfiltered
31 computer(s). The library also must have a written policy providing sanctions against a person who instructs or demonstrates to
32 another person how to bypass this web-filtering technology.

33 (B) State funds intended for a library not in compliance with subsection (A) must be reduced by fifty percent. Funds resulting
34 from this reduction must be distributed among other libraries that are in compliance with subsection (A).

1 **117.36.** (GP: Tobacco Settlement Funds Carry Forward) State agencies are hereby authorized to retain and carry forward any
2 unexpended Tobacco Settlement Agreement funds from the prior fiscal year into the current fiscal year and to expend such funds
3 for the same purpose.

4 **117.37.** (GP: Use Tax Exemption) For the current fiscal year there is exempt from the use tax imposed pursuant to Chapter 36,
5 Title 12 of the 1976 Code the sales price of tangible personal property purchased for use in private primary and secondary schools,
6 including kindergartens and early childhood education programs, which are exempt from income taxes pursuant to Section
7 501(c)(3) of the Internal Revenue Code. For the purposes of this item, the Internal Revenue Code means Internal Revenue Code as
8 described in Section 12-6-40 of the 1976 Code. This exemption applies for sales occurring after 1995. No refund is due any
9 taxpayer of use tax paid on sales exempted by this paragraph.

10 **117.38.** (GP: Personal Property Tax Relief Fund) If the Personal Property Tax Exemption Sales Tax is imposed in a county
11 and a sales tax rate of two percent of gross proceeds of sales is insufficient to offset the property tax not collected, sufficient
12 amounts must be credited to the Trust Fund for Tax Relief established pursuant to Section 11-11-150 of the 1976 Code to provide
13 the reimbursement to offset such a shortfall in the manner provided in Section 4-10-540(A) of the 1976 Code.

14 **117.39.** (GP: COG Annual Report) Each Council of Government shall submit a report to the Senate Finance Committee and
15 the House Ways and Means Committee by December first each year describing how the funds which they received from the State
16 in the prior fiscal year were expended.

17 **117.40.** (GP: Department of Administration, OEPP, Veterans Affairs) Of the funds appropriated for the Department of
18 Administration, Office of Executive Policy and Programs, Division of Veterans Affairs, the Director of the Division shall appoint
19 an additional claims representative within the Division of Veterans Affairs, who, in addition to being charged with the duty of
20 assisting all ex-servicemen, regardless of the wars in which their service may have been rendered, in filing, presenting, and
21 prosecuting to final determination all claims which they have for money compensation, hospitalization, training, and insurance
22 benefits under the terms of federal legislation, shall also specialize in the specific needs and diseases associated with veterans of
23 the Vietnam era. The person appointed as a claims representative under this section must be versed in federal legislation relating to
24 these matters and the rules, regulations, and practice of the Veterans Administration as created by Congress and his appointment
25 must be approved by the Governor.

26 Subject to the direction of the director, and in addition to other duties prescribed in this section, the claims representative
27 appointed pursuant to this section may represent the Division of Veterans Affairs on the South Carolina Agent Orange Advisory
28 Council and on the Hepatitis C Coalition established by the South Carolina Department of Health and Environmental Control,
29 assist the Division of Veterans Affairs in carrying out its duties in connection with the Agent Orange Information and Assistance
30 program, represent the director in connection with functions relating to Vietnam veterans, and perform other duties as may be
31 assigned by the director.

32 **117.41.** (GP: South Carolina Recycling Initiative) To protect the public health and safety, protect and preserve the
33 environment of this State, and to recover resources which have the potential for usefulness in the most environmentally safe,
34 economically feasible and cost effective manner, state agencies shall purchase recycled steel unless the item cannot be acquired
35 competitively at a reasonable price.

1 **117.42.** (GP: Life and Palmetto Fellows Scholarships Waiver Exemption) Any provision in permanent law or in Part IB,
2 Section 117 of this act, except that which is specified for LIFE and Palmetto Fellows Scholarships, that would require general fund
3 appropriations other than what is specified in Part IA of this act is waived for the current fiscal year.

4 **117.43.** (GP: Sole Source Procurements) The State Fiscal Accountability Authority shall evaluate and determine whether the
5 written determinations, explanations, and basis for sole source procurements, pursuant to South Carolina Code Section 11-35-1560,
6 and emergency procurements, pursuant to South Carolina Code Section 11-35-1570, are legitimate and valid reasons for awarding
7 noncompetitive contracts.

8 **117.44.** (GP: DMV Data) The Department of Motor Vehicles shall provide access, in compliance with all state and federal
9 privacy protection statutes, to the following data and reports without charge to the South Carolina Department of Transportation:

- 10 (1) all collision data and collision reports;
11 (2) registration information used for toll enforcement; and
12 (3) driver records of employees or prospective employees.

13 **117.45.** (GP: Parking Fees) State agencies shall not impose additional parking fees or increases in current fees for state
14 employees during the current fiscal year. This provision does not apply to any college or university.

15 **117.46.** (GP: Facility Rental Fee) The Governor's School for the Arts and Humanities, Governor's School for Science and
16 Mathematics, Wil Lou Gray Opportunity School, and John de la Howe School are authorized to charge, collect, expend and carry
17 forward fees charged for facility and equipment rental and registration.

18 **117.47.** (GP: Insurance Claims) Any insurance reimbursement to an agency may be used to offset expenses related to the claim.
19 These funds may be retained, expended, and carried forward.

20 **117.48.** (GP: Organizational Charts) All agencies, departments and institutions of state government shall furnish to the Human
21 Resources Division (1) a current personnel organizational chart annually no later than September first of the current fiscal year, or
22 upon the request of the division and (2) notification of any change to the agency's organizational structure which impacts an
23 employee's grievance rights within thirty days of such change. The organizational chart shall be in a form prescribed by the
24 Human Resources Division showing all authorized positions, class title, class code, position number and indications as to whether
25 such positions are filled or vacant. In addition, the organizational chart shall clearly identify those employees who are exempt
26 from the State Employee Grievance Procedure Act.

27 **117.49.** (GP: Agencies Affected by Restructuring) Upon restructuring of state agencies by the General Assembly the
28 Department of Administration is directed to work with affected State agencies in order to phase-in operations of restructured
29 organizations during the current fiscal year. Restructured organizations should be operating entirely under the revised structure no
30 later than December thirty-first, of the current fiscal year, unless otherwise directed by law. The department is further directed to
31 work with the affected agencies in order to identify and facilitate the transfer of any portion of their operations, including transfer
32 of funds during the current fiscal year, which is affected by the restructured organization adopted by the General Assembly, but
33 which has not already been accomplished herein. Until sufficient changes can be made to the State's accounting system and the
34 appointment of appropriate agency heads, the Comptroller General and the State Treasurer shall allow those agencies affected by
35 restructuring to continue processing documents within the account structure existing on June thirtieth, of the prior fiscal year.
36 Restructured agencies shall make all the necessary accounting adjustments to complete the transition to the new account structure

1 as soon as possible, but no later than December thirty-first, of the current fiscal year, unless otherwise directed by law. The
2 Executive Budget Office is directed to prepare the subsequent detail budget to conform Part IA and corresponding provisos in this
3 act to any restructuring changes that are ratified.

4 **117.50.** (GP: Agency Administrative Support Collaboration) It is the intent of the General Assembly that state agencies
5 continue to actively pursue cost savings measures through collaborative efforts and where feasible may combine administrative
6 support functions with other agencies in order to maximize efficiency and effectiveness.

7 **117.51.** (GP: Assessment Audit / Crime Victim Funds) If the State Auditor finds that any county treasurer, municipal
8 treasurer, county clerk of court, magistrate, or municipal court has not properly allocated revenue generated from court fines, fines,
9 and assessments to the crime victim funds or has not properly expended crime victim funds, pursuant to Sections 14-1-206(B) and
10 (D), 14-1-207(B) and (D), 14-1-208(B) and (D), and 14-1-211(B) of the 1976 Code, the State Auditor shall notify the State Office
11 of Victim Assistance. The State Office of Victim Assistance is authorized to conduct an audit which shall include both a
12 programmatic review and financial audit of any entity or nonprofit organization receiving victim assistance funding based on the
13 referrals from the State Auditor or complaints of a specific nature received by the State Office of Victim Assistance to ensure that
14 crime victim funds are expended in accordance with the law. Guidelines for the expenditure of these funds shall be developed by
15 the Victim Services Coordinating Council. The Victim Services Coordinating Council shall develop these guidelines to ensure any
16 expenditure which meets the parameters of Article 15, Chapter 3, Title 16 is an allowable expenditure. Any local entity or
17 nonprofit organization that receives funding from revenue generated from crime victim funds is required to submit their budget for
18 the expenditure of these funds to the State Office of Victim Assistance within thirty days of the budget's approval by the governing
19 body of the entity or nonprofit organization. Failure to comply with this provision shall cause the State Office of Victim
20 Assistance to initiate a programmatic review and a financial audit of the entity's or nonprofit organization's expenditures of victim
21 assistance funds. Additionally, the State Office of Victim Assistance will place the name of the noncompliant entity or nonprofit
22 organization on their website where it shall remain until such time as they are in compliance with the terms of this proviso. Any
23 entity or nonprofit organization receiving victim assistance funding must cooperate and provide expenditure/program data
24 requested by the State Office of Victim Assistance. If the State Office of Victim Assistance finds an error, the entity or nonprofit
25 organization has ninety days to rectify the error. An error constitutes an entity or nonprofit organization spending victim assistance
26 funding on unauthorized items as determined by the State Office of Victims Assistance. If the entity or nonprofit organization fails
27 to cooperate with the programmatic review and financial audit or to rectify the error within ninety days, the State Office of Victim
28 Assistance shall assess and collect a penalty in the amount of the unauthorized expenditure plus \$1,500 against the entity or
29 nonprofit organization for improper expenditures. This penalty plus \$1,500 must be paid within thirty days of the
30 notification by the State Office of Victim Assistance to the entity or nonprofit organization that they are in noncompliance
31 with the provisions of this proviso. All penalties received by the State Office of Victim Assistance shall be credited to the General
32 Fund of the State. If the penalty is not received by the State Office of Victim Assistance within thirty days of the notification, the
33 political subdivision will deduct the amount of the penalty from the entity or nonprofit organization's subsequent fiscal year
34 appropriation.

35 **117.52.** (GP: H.L. Hunley Museum Location) The General Assembly approves the City of North Charleston as the permanent
36 site of the H.L. Hunley Museum. This approval is contingent upon the negotiation and execution of necessary contracts between

1 the State of South Carolina and the City of North Charleston. The Hunley Commission is directed to expend funds from its
2 account to negotiate and execute contracts on behalf of the State of South Carolina.

3 **117.53.** (GP: Secure Juvenile Confinement) The Attorney General shall review the interpretation of the current policies of the
4 Department of Public Safety and the Department of Corrections regarding secure juvenile confinement that the departments
5 indicate may jeopardize federal grant funds. The departments may not implement any changes to the current policies regarding
6 secure juvenile confinement until the Attorney General considers the departments' interpretation of the federal Juvenile Justice and
7 Delinquency Prevention Act in regard to the secure holding of juveniles for more than six hours in adult detention facilities that
8 also serve as forty-eight-hour juvenile holdover facilities. The Attorney General will determine if the departments' interpretation is
9 fair and equitable and how the local governments and the Department of Juvenile Justice would be impacted, to include any
10 financial considerations.

11 **117.54.** (GP: ISCEDC Funding Transfer) The departments of Mental Health, Disabilities and Special Needs, and Juvenile
12 Justice are directed to transfer a total of \$1,199,456 in funds to the Department of Social Services for the support of the Interagency
13 System for Caring for Emotionally Disturbed Children. Funding transfers shall be in the following amounts: Department of
14 Mental Health - \$595,000, Department of Disabilities and Special Needs - \$379,456, and Department of Juvenile
15 Justice - \$225,000. The transfer of funds shall be accomplished by September thirtieth of the current fiscal year.

16 **117.55.** (GP: Employee Bonuses) State agencies and institutions are allowed to spend state, federal, and other sources of
17 revenue to provide selected employees lump sum bonuses, not to exceed three thousand dollars per year, based on objective
18 guidelines established by the Department of Administration. Payment of these bonuses is not a part of the employee's base salary
19 and is not earnable compensation for purposes of employee and employer contributions to respective retirement systems.
20 Employees earning \$100,000 or more shall not be eligible to receive bonuses under this provision. The employing agency must
21 report this information on or before August thirty-first of each year and must include the total amount and source of the bonus
22 received by the employee during the preceding fiscal year (July first through June thirtieth). The Human Resources Division of the
23 Department of Administration shall formulate policies and procedures to ensure compliance with the reporting provisions of this
24 proviso. Copies of the reports shall be made available to the Chairman of the Senate Finance Committee and the Chairman of the
25 House Ways and Means Committee, upon request.

26 **117.56.** (GP: FEMA Flexibility) Any appropriation designated as the state share for a federally declared disaster may be
27 carried forward and used for the same purpose by the Emergency Management Division of the Adjutant General's Office in the
28 event of additional federally declared disasters. Unallocated funds from established state accounts may be used as the state share in
29 any federally declared disaster. These funds may also be used during a Governor's state of emergency to augment existing state
30 appropriations of the South Carolina Emergency Management Division (SCEMD). When these funds are used during a
31 Governor's state of emergency, the allocation of those funds following the event will be determined by the Governor based on the
32 recommendation of the Adjutant General and the Director of the South Carolina Emergency Management Division.

33 In the event there is a federally declared disaster and state match funds are unavailable, the State Fiscal Accountability Authority
34 may borrow from any internal account or accounts necessary to maximize federal matching funds through the Emergency
35 Management Division. Any such borrowing must be reported to the General Assembly within five days. Funds borrowed from
36 accounts shall be replenished by the General Assembly as soon as practicable.

1 **117.57.** (GP: Respiratory Syncytial Virus Prescription Sales and Use Tax Exemption) The effective date of the exemption
2 from sales and use tax of prescription medicines used to prevent respiratory syncytial virus shall be January 1, 1999. No refund of
3 sales and use taxes may be claimed as a result of this provision.

4 **117.58.** (GP: Year-End Financial Statements - Penalties) Agencies, institutions, and other reporting entities required to submit
5 annual audited financial statements for inclusion in the State's Comprehensive Annual Financial Report must submit final audited
6 financial statements to the Comptroller General not later than October first for those with fiscal year-end June thirtieth. The South
7 Carolina Retirement Systems, Insurance Benefits, and Other Post-Employment Benefits Trust Funds administered by the South
8 Carolina Public Employee Benefit Authority must submit their final audited financial statements no later than October fifteenth.
9 For institutions and reporting entities with fiscal year-ends other than June thirtieth, final audited financial statements must be
10 submitted to the Comptroller General within 120 days of that fiscal year-end. The Comptroller General shall provide a written
11 report of each agency, institution, or other reporting entity not in compliance with this provision to the State Fiscal Accountability
12 Authority by November thirtieth.

13 **117.59.** (GP: Purchase Card Incentive Rebates) In addition to the Purchase Card Rebate deposited in the general fund, any
14 incentive rebate premium received by an agency from the Purchase Card Program may be retained and used by the agency to
15 support its operations.

16 **117.60.** (GP: Sex Offender Monitoring and Supervision) The funds appropriated to the Department of Probation, Parole and
17 Pardon Services in Part IA, Section 66, Program II.A.2. for the Sex Offender Monitoring Program and to the Department of
18 Juvenile Justice in Part IA, Section 67, Program III.A. Special Item: Sex Offender Monitoring are to be used and expended only for
19 GPS monitoring programs of the departments. In cases of limited funds, monitoring of "Jessie's Law" offenders shall take
20 precedence over all other GPS programs of the departments. Funds appropriated for this program may not be used for any other
21 purpose or transferred to any other program. Unexpended funds appropriated for Sex Offender Monitoring may be carried forward
22 and used for the same purpose. The departments are directed to submit a report to the General Assembly by January fifteenth each
23 year accounting for the expenditure of the funds including any carry-forward funding; the total costs and per-day costs for
24 equipment, supervision, and monitoring; the total number of staff assigned to the activity and the average agent caseloads; the
25 amount of funds collected from sex offenders for both intensive supervision and electronic monitoring; and the anticipated fiscal
26 needs for the upcoming fiscal year. The report shall also include, but not be limited to, data regarding the number of offenders
27 sentenced to electronic monitoring, including the number sentenced for life; the number of alert notifications received,
28 investigated, and prosecuted; and the number of offenders returned to prison as a result of electronic monitoring violations.

29 **117.61.** (GP: Viscosupplementation Therapies Sales and Use Tax Exemption) For the current fiscal year only, sales and use
30 taxes on viscosupplementation therapies shall be suspended. No refund or forgiveness of tax may be claimed as a result of this
31 provision.

32 **117.62.** (GP: CID & PCC Agency Head Salaries) All hiring salaries and salary increases for the agency heads of the
33 Commission on Indigent Defense and the Prosecution Coordination Commission shall be subject to all provisions related to agency
34 heads covered by the Agency Head Salary Commission.

35 **117.63.** (GP: Prosecutors and Defenders Public Service Incentive Program) The Office of Attorney General, the Prosecution
36 Coordination Commission, and the Commission on Indigent Defense, in consultation with the South Carolina Student Loan

1 Corporation and the Commission on Higher Education, shall develop and implement a Prosecutors and Defenders Public Service
 2 Incentive Program for attorneys employed by the Office of Attorney General, the Prosecution Coordination Commission, the
 3 Commission on Indigent Defense, a Circuit Solicitor's Office or a county Public Defender's Office.

4 After more than three years of continuous service as a full-time attorney with any of these entities, qualifying attorneys may be
 5 reimbursed up to \$1,000 for payments made in the prior calendar year on outstanding law school loans. Reimbursements for law
 6 school loan payments may be increased by up to \$1,000 for each additional year of continuous service; however, such
 7 reimbursements shall not exceed \$5,000 in any year. The amount of law school loan payment reimbursement in any calendar year
 8 shall not exceed the amount of principal and interest paid on the loan in the prior calendar year. Reimbursements under the
 9 program may continue until all outstanding law school loans are satisfied; however, such reimbursements shall not exceed \$40,000
 10 per qualifying attorney. Reimbursements shall be adjusted if necessary so as not to exceed appropriations for the program.

11 The Prosecutors and Defenders Public Service Incentive Program must be administered by the South Carolina Student Loan
 12 Corporation, which shall pay for the cost of administration within the funds appropriated.

13 The Office of Attorney General, the Prosecution Coordination Commission, and the Commission on Indigent Defense shall each
 14 compile a report that includes, but is not limited to, the number of applicants and the impact of the program on attracting and
 15 retaining attorneys. The Student Loan Corporation shall compile a report that includes, but is not limited to, the cost of
 16 administering the program as well as the amount of reimbursements per agency or entity. Such reports shall be submitted to the
 17 Senate Finance Committee and the House Ways and Means Committee by September first each fiscal year.

18 Unexpended program funds from the prior fiscal year may be carried forward into the current fiscal year to be used for the same
 19 purpose.

20 **117.64.** (GP: Attorney Dues) Agencies and offices of the State of South Carolina that employ attorneys are authorized, if they
 21 so decide, to use other appropriated funds, including General Fund carry forward funds, to pay the costs of mandatory dues owed
 22 to the South Carolina Bar Association.

23 **117.65.** (GP: ~~Healthcare~~ Employee Recruitment and Retention) ~~The Department of Corrections, Department of Disabilities~~
 24 ~~and Special Needs, Department of Health and Environmental Control, Department of Health and Human Services, Department of~~
 25 ~~Juvenile Justice, Department of Mental Health, Department of Vocational Rehabilitation, and Wil Lou Gray Opportunity School~~

26 (A) State agencies are allowed to spend state, federal, and other sources of revenue to provide lump sum bonuses to aid in
 27 recruiting and retaining ~~healthcare~~ workers in critical needs ~~healthcare~~ jobs based on objective guidelines established by the
 28 Department of Administration. The employee bonus amount shall be approved by the State Human Resources Director and shall
 29 not exceed \$10,000 per year. Payment of these bonuses is not a part of the employee's base salary and is not earnable
 30 compensation for purposes of employee and employer contributions to respective retirement systems.

31 These agencies may also provide paid educational leave for any employees in an FTE position to attend class while enrolled in
 32 healthcare degree programs that are related to the agency's mission. All such leave is at the agency head's discretion.

33 These agencies may enter into an agreement with ~~Psychiatrists, Psychologists, and Nurses~~ individuals employed in ~~those~~ critical
 34 needs positions to repay them for their outstanding student loans associated with completion of a ~~healthcare~~ relevant degree. ~~The~~
 35 ~~employee must be employed in a critical needs area, which would be identified at the agency head's discretion. Critical needs~~
 36 ~~areas could include rural areas, areas with high turnover, or where the agency has experienced recruiting difficulties.~~ Agencies

may pay these employees up to twenty percent or \$7,500, whichever is less, of their outstanding student loan each year over a five-year period. Payments will be made directly to the employee at the end of each year of employment. The agency will be responsible for verifying the ~~principle~~ *principal* balance of the employee's student loan prior to issuing payments.

~~—Employees of these agencies working on a practicum or required clinical experience towards completion of a healthcare degree may be allowed to complete these requirements at their state agency or another state agency at the discretion of the agency head. This field placement at another state agency may be considered work time for participating employees.~~

~~These agencies~~ *Agencies* are also authorized to allow tuition reimbursement from a maximum of ten credit hours per semester; allow probationary employees to participate in tuition programs; and provide tuition prepayment instead of tuition reimbursement for employees willing to pursue a degree in a healthcare program. An agency may pay up to fifty percent of an employee's tuition through tuition prepayment. The remaining tuition could be reimbursed to the employee after successful completion of the class.

The Department of Administration must approve the designation of critical needs positions applicable to this proviso.

(B) Healthcare employees in approved critical needs positions working on a practicum or required clinical experience towards completion of a healthcare degree may be allowed to complete these requirements at their state agency or another state agency at the discretion of the agency head. This field placement at another state agency may be considered work time for participating employees.

117.66. (GP: Governor's Budget Certification) The annual Executive Budget proposed by the Governor must be certified by the Director of the Revenue and Fiscal Affairs Office or his designee in the same manner as the House Ways and Means and Senate Finance Committee versions of the budget bill are certified.

117.67. (GP: Sexually Violent Predator Program) After the Department of Mental Health obtains all necessary project approvals, the Department of Corrections may utilize inmate labor to perform any portion of the construction of an addition to the Edisto Unit at the Broad River Correctional Institution, which houses the Department of Mental Health's Sexually Violent Predator Treatment Program, such addition to be used for additional treatment space and staff offices. For purposes of this project, the Department of Corrections may exceed the \$350,000 limit on projects for which it may use inmate labor.

117.68. (GP: Voluntary Furlough) Agency heads may institute a voluntary employee furlough program of not more than ninety days per fiscal year. During this voluntary furlough, the state employees shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits which require employer and employee contributions, the state agencies, institutions and departments will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions. In the event an agency's reduction is due solely to the General Assembly transferring or deleting a program, this provision does not apply.

117.69. (GP: Governor's Security Detail) The State Law Enforcement Division, the Department of Public Safety, and the Department of Natural Resources shall provide a security detail to the Governor in a manner agreed to by the State Law Enforcement Division, the Department of Public Safety, the Department of Natural Resources, and the Office of Governor. Reimbursement to the State Law Enforcement Division, the Department of Public Safety, and the Department of Natural Resources to offset the cost of the security detail for the Governor shall be made in an amount agreed to by the State Law Enforcement Division, the Department of Public Safety, the Department of Natural Resources, and the Office of Governor from funds

1 appropriated to the Office of Governor for this purpose. Law enforcement officers assigned to security detail for the Governor
2 shall only perform services related to security and shall not provide any unrelated service during the assignment.

3 **117.70.** (GP: Reduction in Force Antidiscrimination) In the event of a reduction in force implemented by a state agency or
4 institution, the state agency or institution must comply with Title VII of the Civil Rights Act of 1964 or any other applicable
5 federal or state antidiscrimination laws.

6 **117.71.** (GP: Reduction in Force/Agency Head Furlough) In the event a reduction in force is implemented by a state agency or
7 institution of higher learning, the agency head shall be required to take five days furlough in the current fiscal year. If more than
8 one reduction in force plan is implemented in a fiscal year, the mandatory agency head furlough is only required for the initial plan.
9 The agency head will retain all responsibilities and authority during the furlough. All monies saved from this furlough may be
10 retained by that agency and expended at the discretion of the agency head. During this furlough, the agency head shall be entitled
11 to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits
12 which require employer and employee contributions, the state agency will be responsible for making both employer and employee
13 contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the
14 agency head remains solely responsible for making those contributions.

15 Placement of an agency head on furlough under this provision does not constitute a grievance or appeal under the State
16 Employee Grievance Procedure Act. In the event the reduction for the state agency or institution of higher learning is due solely to
17 the General Assembly transferring or deleting a program, this provision does not apply. Agencies may allocate the agency head's
18 reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough
19 occurs. The Department of Administration shall promulgate guidelines and policies, as necessary, to implement the provisions of
20 this proviso. State agencies shall report information regarding furloughs to the Department of Administration.

21 For purposes of this provision, agency head includes the president of a technical college as defined by Section 59-103-5 of the
22 1976 Code.

23 The agency head of the State Board for Technical and Comprehensive Education shall not be required to take this mandatory
24 furlough based solely on the implementation of a reduction in force plan by a technical college.

25 An agency head shall not be required to take this mandatory furlough based solely on reductions in force implemented as a result
26 of federal budget cuts or reorganization to accomplish organizational efficiencies.

27 **117.72.** (GP: Printed Report Requirements) (A) For ~~Fiscal Year 2017-18~~ the current fiscal year, state supported institutions of
28 higher learning shall not be required to submit printed reports mandated by Sections 2-47-40, 2-47-50, and 59-103-110 of the 1976
29 Code, and shall instead only submit the documents electronically.

30 Submission of the plans or reports required by Sections 59-101-350, 59-103-30, 59-103-45(4), and 59-103-160(D) shall be
31 waived for the current fiscal year, except institutions of higher learning must continue to report student pass rates on professional
32 examinations, and data elements otherwise required for the Commission on Higher Education Management Information System.
33 The commission, in consultation with institutions, shall take further action to reduce data reporting burdens as possible.

34 (B) For ~~Fiscal Year 2017-18~~ the current fiscal year, the Department of Agriculture shall not be required to submit printed
35 reports mandated by Section 46-49-10 of the 1976 Code. The department shall provide these reports electronically and shall use
36 any monetary savings for K5-12 agricultural education programs.

1 (C) For ~~Fiscal Year 2017-18~~ *the current fiscal year*, the Department of Health and Human Services shall not be required to
2 provide printed copies of the Medicaid Annual Report required pursuant to Section 44-6-80 of the 1976 Code and shall instead
3 only submit the documents electronically.

4 (D) For ~~Fiscal Year 2017-18~~ *the current fiscal year*, the Department of Transportation shall not be required to submit printed
5 reports or publications mandated by Sections 1-11-58, 2-47-55, and 58-17-1450 of the 1976 Code.

6 The Department of Transportation may combine their Annual Report and Mass Transit Report into their Annual Accountability
7 Report.

8 **117.73.** (GP: IMD Operations) The Department of Health and Human Services shall produce an annual report on
9 Medicaid-funded out-of-home placements and associated expenditures which shall be provided to the Chairman of the Senate
10 Finance Committee, Chairman of the House Ways and Means Committee, and the Governor no later than November first each
11 year.

12 **117.74.** (GP: Fines and Fees Report) In order to promote accountability and transparency, each state agency must provide and
13 release to the public via the agency's website, a report of all aggregate amounts of fines and fees that were charged and collected
14 by that state agency in the prior fiscal year. The report shall include, but not be limited to: (1) the code section, regulation, or
15 proviso that authorized the fines and fees to be charged, collected, or received; (2) the amount of the fine or fee; (3) the amount
16 received by source; (4) the purpose for which the funds were expended by the agency; (5) the amount of funds transferred to the
17 general fund, if applicable, and the authority by which the transfer took place; and (6) the amount of funds transferred to another
18 entity, if applicable, and the authority by which the transfer took place, as well as the name of the entity to which the funds were
19 transferred. The report must be posted online by September first. Additionally, the report must be delivered to the Chairman of the
20 Senate Finance Committee and the Chairman of the House Ways and Means Committee by September first. Funds appropriated to
21 and/or authorized for use by each state agency shall be used to accomplish this directive.

22 **117.75.** (GP: Mandatory Furlough) In a fiscal year in which the general funds appropriated for a state agency are less than the
23 general funds appropriated for that agency in the prior fiscal year, or whenever the General Assembly or the Executive Budget
24 Office implements a midyear across-the-board budget reduction, and agency heads institute a mandatory employee furlough
25 program, in determining which employees must participate in the program, agency heads should give consideration to furloughs for
26 contract employees, post-TERI employees, and TERI employees before other employees. During this mandatory furlough, the
27 state employees shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their
28 salaries. As to those benefits which require employer and employee contributions, the state agencies, institutions, and departments
29 will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to
30 those benefits which require only employee contributions, the employee remains solely responsible for making those contributions.
31 In the event an agency's reduction is due solely to the General Assembly transferring or deleting a program, this provision does not
32 apply.

33 **117.76.** (GP: Reduction In Force) In a fiscal year in which the general funds appropriated for a state agency are less than the
34 general funds appropriated for that agency in the prior fiscal year, or whenever the General Assembly or the Executive Budget
35 Office implements a midyear across-the-board budget reduction, and agency heads must make reductions in force, agency heads
36 should give consideration to reductions of contract employees, post-TERI employees, and TERI employees before other

1 employees. In the event an agency's reduction is due solely to the General Assembly transferring or deleting a program, this
2 provision does not apply.

3 **117.77.** (GP: Cost Savings When Filling Vacancies Created by Retirements) During the current fiscal year, whenever
4 classified FTEs become vacant because of employee retirements, it is the intent of the General Assembly that state agencies should
5 realize personnel costs savings of at least twenty-five percent in the aggregate when managing these vacant positions. Prior to
6 filling a classified FTE which has become vacant because of a retirement, an agency must review and determine the appropriate
7 salary for the position as well as determine whether the agency can manage without filling the position or by delay in filling the
8 position. Prior to filling the vacant FTE, agencies must follow all laws and regulations concerning posting and competitive
9 solicitation and consideration of applicants. No agency shall enter into any agreement with any employee that violates the terms of
10 this proviso.

11 **117.78.** (GP: Information Technology for Health Care) From the funds appropriated and awarded to the South Carolina
12 Department of Health and Human Services for the Health Information Technology for Economic and Clinical Health Act of 2009,
13 the department shall advance the use of health information technology and health information exchange to improve quality and
14 efficiency of health care and to decrease the costs of health care. In order to facilitate the qualification of Medicare and/or
15 Medicaid eligible providers and hospitals for incentive payments for meaningful health information technology (HIT) use, a health
16 care organization participating in the South Carolina Health Information Exchange (SCHIE) or a Regional Health Information
17 Organization (RHIO) or a hospital system health information exchange (HIE) that participates in SCHIE may release patient
18 records and medical information, including the results of any laboratory or other tests ordered or requested by an authorized health
19 care provider within the scope of his or her license or practice act, to another health information organization that requests the
20 information via a HIE for treatment purposes with or without express written consent or authorization from the patient. A health
21 information organization that receives or views this information from a patient's electronic health record or incorporates this
22 information into the health information organization's electronic medical record for the patient in providing treatment is considered
23 an authorized person for purposes of 42 C.F.R. 493.2 and the Clinical Laboratory Improvement Amendments.

24 **117.79.** (GP: Broadband Spectrum Lease) The General Assembly must approve any exercise of the Middle Band Segment
25 Channel recapture provisions contained in the Educational Broadband Service Spectrum Lease Agreements if the exercise of the
26 recapture provisions would result in a decrease in payments received by the State. The Educational Television Commission
27 assumes management and administration of the lease and receives lease payments directly. The Educational Television
28 Commission shall retain and expend funds received pursuant to the lease for agency operations. The commission shall be
29 authorized to carry forward unexpended funds from the prior fiscal year into the current fiscal year. In the event of a default by the
30 current lease holder, the Educational Television Commission is authorized to use contingent funds up until such time as a new
31 lease can be negotiated by the State and the Educational Television Commission.

32 **117.80.** (GP: Reduction in Compensation) For the current fiscal year, no state agency or political subdivision of this state may
33 decrease the compensation of an employee, including dismissal, suspension, or demotion, solely because the employee gave sworn
34 testimony regarding alleged wrongdoing to a standing committee, subcommittee of a standing committee, or study committee of
35 the Senate or the House of Representatives. This proviso shall apply regardless of when the alleged wrongdoing occurred.

1 **117.81.** (GP: Deficit Monitoring) It is the responsibility of each state agency, department, and institution to operate within the
2 limits of its authorized appropriations. All agencies, departments, and institutions are to budget, allocate and manage its authorized
3 appropriations in a way to avoid an operating deficit for the fiscal year.

4 If at the end of each quarterly deficit monitoring review by the Executive Budget Office, it is determined by either the Executive
5 Budget Office or a state agency, department, or institution that the likelihood of a deficit for the current fiscal year exists, the state
6 agency shall notify the General Assembly within fifteen days of this determination and shall further request the Executive Budget
7 Office to work with it to develop a plan to avoid the deficit. Within fifteen days of the deficit avoidance plan being completed, the
8 Executive Budget Office shall either request the General Assembly to recognize the deficit if it determines the deficit avoidance
9 plan will not be sufficient to avoid a deficit or notify the General Assembly of how the deficit will be avoided based on the deficit
10 avoidance plan if the Executive Budget Office determines the plan will be sufficient to avoid a deficit.

11 Upon notification from the Executive Budget Office that an agency will run a deficit and requesting that it be recognized, the
12 General Assembly, by joint resolution, may make a finding that the cause of, or likelihood of, a deficit is unavoidable due to
13 factors which are outside the control of the state agency, department, or institution, and recognize the deficit. Any legislation to
14 recognize a deficit must be in a separate joint resolution enacted for the sole purpose of recognizing the deficit of a particular state
15 agency, department, or institution. A deficit may only be recognized by an affirmative vote of each branch of the General
16 Assembly.

17 If the General Assembly recognizes the deficit, then the actual deficit at the close of the fiscal year must be reduced as necessary
18 from surplus revenues or surplus funds available at the close of the fiscal year in which the deficit occurs and from funds available
19 in the General Reserve Fund and the Capital Reserve Fund, as required by the Constitution of this State.

20 Once a deficit has been recognized by the General Assembly, the state agency, department, or institution shall limit travel and
21 conference attendance to that which is deemed essential by the director of the agency, department, or institution. In addition, the
22 General Assembly, when recognizing a deficit may direct that any pay increases and purchases of equipment and vehicles must be
23 approved by the Executive Budget Office.

24 **117.82.** (GP: Commuting Costs) State government employees who use a permanently assigned agency or state-owned vehicle
25 to commute from their permanently assigned work location to and from the employee's home must reimburse the agency in which
26 they are employed for commuting use in accordance with IRS regulations based on guidance from the Office of Comptroller
27 General which must use the Cents per mile Rule, unless they are exempted from such reimbursement by applicable IRS
28 regulations. These permanently assigned vehicles must be clearly marked as a state or agency vehicle through the use of
29 permanent state-government license plates and either state or agency seal decals unless the vehicle is used primarily in undercover
30 operations. This requirement does not apply to a vehicle used by an employee for the purpose of a special travel assignment, for
31 active certified law enforcement officers authorized to carry firearms, execute warrants, and make arrests, for Constitutional
32 Officers, or for Department of Transportation employees on call for emergency maintenance.

33 **117.83.** (GP: Bank Account Transparency and Accountability) Each state agency, except state institutions of higher learning,
34 which has composite reservoir bank accounts or any other accounts containing public funds which are not included in the
35 Comptroller General's South Carolina Enterprise Information System shall prepare a report for each account disclosing every
36 transaction of the account in the prior fiscal year. The report shall be submitted to the State Fiscal Accountability Authority by

1 October first of each fiscal year. The report shall include the name(s) and title(s) of each person authorized to sign checks or make
2 withdrawals from each account, the name and title of each person responsible for reconciling each account, the beginning and
3 year-end balance of funds in each account, and data related to both deposits and expenditures of each account. The report shall
4 include, but not be limited to, the date, amount, and source of each deposit transaction and the date, name of the payee, the
5 transaction amount, and a description of the goods or services purchased for each expenditure transaction. To facilitate review, the
6 State Fiscal Accountability Authority shall prescribe a common format for the report which agencies must use. In order to promote
7 accountability and transparency, a link to the report shall be posted on the Comptroller General's website as well as the agency's
8 homepage.

9 When the State Auditor conducts or contracts for an audit of a state agency, accounts of the agency subject to this proviso must
10 be included as part of the review.

11 If an agency determines that the release of the information required in this provision would be detrimental to the state or the
12 agency, the agency may petition the State Fiscal Accountability Authority to grant the agency an exemption from the reporting
13 requirements for the detrimental portion. The meeting to determine whether an exemption should be granted shall be closed.
14 However, the exemption may only be granted upon a majority vote of the State Fiscal Accountability Authority in a public
15 meeting.

16 **117.84.** (GP: Websites) All agencies, departments, and institutions of state government shall be responsible for providing on
17 its Internet website a link to the Internet website of any agency, other than the individual agency, department, or institution, that
18 posts on its Internet website that agency, department, or institution's monthly state procurement card statements or monthly reports
19 containing all or substantially all the same information contained in the monthly state procurement card statements. The link must
20 be to the specific webpage or section on the website of the agency where the state procurement card information for the state
21 agency, department, or institution can be found. The information posted may not contain the state procurement card number. Any
22 information that is expressly prohibited from public disclosure by federal or state law or regulation must be redacted from any
23 posting required by this section.

24 **117.85.** (GP: Regulations) For the current fiscal year, if a state agency proposes a regulation that levies or increases a fee, fine,
25 or that otherwise generates revenues, the title to the Joint Resolution which proposes the regulation must indicate that a fee, fine, or
26 revenue source is being proposed.

27 **117.86.** (GP: Joint Children's Committee) For the current fiscal year, the Department of Revenue is directed to reduce the rate
28 of interest paid on eligible refunds by one percentage point. Of the revenue resulting from this reduction, \$300,000 shall be
29 transferred to the Senate for the Joint Citizens and Legislative Committee on Children to provide the report, research, and other
30 operating expenses as directed in Section 63-1-50 of the 1976 Code. Funds transferred to the University of South Carolina for the
31 Joint Citizens and Legislative Committee on Children shall be maintained in a separate and distinct account. A detailed report of
32 all expenditures shall be made to the Executive Budget Office within thirty days of the close each fiscal quarter, and the Executive
33 Budget Office shall distribute this information to the Chairman of the Senate Finance Committee and the Chairman of the House
34 Ways and Means Committee. The remaining revenue resulting from this reduction shall be transferred to the Department of
35 Juvenile Justice to be used for mentoring or alternatives to incarceration programs. Unexpended funds authorized by this provision

1 may be retained and carried forward by the Senate or the Department of Juvenile Justice, respectively, and used for the same
2 purposes. The rate of reduction authorized in this provision shall be in addition to the reduction authorized in Proviso 93.7.

3 **117.87.** (GP: Civil Conspiracy Defense Costs) For the current fiscal year, for any claim that has not reached a judgment, if a
4 state or local government employee or former state or local government employee (“government employee”) is personally sued for
5 civil conspiracy based in part upon a personnel or employment action or decision regarding an employee, the court must, prior to
6 trial, make a final determination whether the action or decision giving rise to the suit was made by the government employee
7 within the scope of their official duty. If the court finds that the government employee was acting outside the scope of the
8 employee’s official duties, the government shall not thereafter expend any funds to pay or defend the claim. If the court finds the
9 government employee was acting within the scope of their official duties, the employee is immune from suit, liability, and damages
10 with respect to the civil conspiracy claim. The government may only expend funds to defend the claim if the determination is that
11 the employee was acting within the scope of their official duties. Nothing in this proviso prevents an insurance provider from
12 defending and paying, respectively, any claims that the provider has contractually agreed to defend and pay.

13 **117.88.** (GP: Recovery Audits) The State Fiscal Accountability Authority shall contract with one or more firms to conduct
14 recovery audits of payments made by all state agencies to vendors for goods and services. The audits must be designed to detect,
15 document, and recover overpayments and erroneous payments to the vendors and to recommend improved financial and
16 operational practices and procedures. A state agency shall pay, from recovered monies received, the recovery audit firm
17 responsible for obtaining for the agency a reimbursement or payment from a vendor a negotiated fee not to exceed twenty percent
18 of the funds recovered by that firm.

19 Unless otherwise restricted by law, funds recovered, less the cost of recovery, shall be remitted to a special fund subject to
20 appropriation by the General Assembly. Agencies may recover costs that are documented to be directly related to implementation
21 of this provision.

22 Recovery audits apply only to payments made more than one hundred eighty days prior to the date the audit is initiated and shall
23 cover at least three complete fiscal years.

24 All information provided under a contract must be treated as confidential by the recovery audit firm. A violation of this
25 provision shall result in the forfeiture by the firm of all compensation under the contract and to the same sanctions and penalties
26 that would apply to that disclosure.

27 Each state agency shall participate in this recovery audit program and shall cooperate and provide the recovery audit firm with
28 all information necessary for the audit in a timely manner. All vendors that provide goods or services to a state agency shall
29 cooperate with the recovery audit firm in its audit.

30 A state agency shall expend or return to the federal government any federal money that is recovered through a recovery audit
31 conducted under this provision. Payments to the recovery audit firm from the federal share of recovered funds shall be solely from
32 the federal portion as allowed by the federal agency.

33 In addition to performing the recovery audits, the recovery audit firm may conduct an analysis of contracts and pricing
34 structures, as determined and directed by the Executive Director of the State Fiscal Accountability Authority or her or his designee,
35 to identify and recommend future cost-savings and improved state agency financial operations going forward. A state agency shall

1 pay the recovery audit firm responsible for obtaining the agency actual cost-savings a fee as authorized by the contract with the
2 recovery audit firm.

3 The recovery audit firm shall provide reports to the State Fiscal Accountability Authority detailing its findings, the causes for the
4 overpayments and erroneous payments, future cost-savings opportunities and its recommendations for strengthening state
5 operations and/or state contracts to prevent improper payments in the future.

6 For purposes of this proviso, the term “vendor” or “vendors” includes, but is not limited to, sellers, suppliers, service providers,
7 other providers, contractors and third party administrators; the term “overpayments and erroneous payments” includes, but is not
8 limited to, overpayments, duplicate payments, erroneous payments, and rebates, discounts and credits not received; and the term
9 “state agency” or “state agencies” includes all state agencies, boards, commissions, institutions and institutions of higher education.

10 The State Fiscal Accountability Authority shall provide copies, including electronic form copies, of final reports received from a
11 firm under contract to: the Governor; the Chairman of the Senate Finance Committee; the Chairman of the House Ways and
12 Means Committee; and the state auditor’s office. Not later than January first of each year, the board shall issue a report to the
13 General Assembly summarizing the contents of all reports received under this provision during the prior fiscal year.

14 **117.89.** (GP: Funds Transfer to ETV) In the current fiscal year funds appropriated in Part IA to the Department of
15 Administration Section 93 for Legislative and Public Affairs Coverage and Emergency Communications Backbone and to the Law
16 Enforcement Training Council in Section 64 for State and Local Training of Law Enforcement, City and County municipal training
17 services must be transferred to the Educational Television Commission (ETV) during July ~~2017~~ *of the current fiscal year* for the
18 continuation of services as provided in the prior fiscal year.

19 **117.90.** (GP: Means Test) All agencies providing Healthcare Services are directed to identify standards and criteria for means
20 testing on all programs provided, where allowed by Federal guidelines. Once a consistent criteria has been established within an
21 agency, they shall implement their respective plans. Each agency shall report all criteria and fiscal data to the Chairman of the
22 Senate Finance Committee and to the Chairman of the House Ways and Means Committee no later than January first.

23 **117.91.** (GP: Agency Reduction Management) The General Assembly encourages state agencies, in the event agencies are
24 assessed a base reduction, to endeavor to realize savings through: (1) payroll management, including, but not limited to, furloughs,
25 reductions in employee compensation, and instituting a hiring freeze; (2) eliminate administrative overhead cost that does not
26 directly impact the agency’s mission; and as a final option (3) reductions to programmatic funding.

27 **117.92.** (GP: WIA Service Advertising) For ~~Fiscal Year 2017-18~~ *the current fiscal year*, the Workforce Investment Boards
28 may promote outreach for their services via billboard, bus placard, newspapers, or radio in all workforce investment areas. This
29 outreach may not be limited to e-mail, online, or other internet-based outreach, publicity, or other promotions. Workforce
30 investment boards must adhere to all state procurement policies and procedures when utilizing outreach for the services provided
31 by the Workforce Investment Act.

32 **117.93.** (GP: WIA Training Marketability Evaluation) (A) For ~~Fiscal Year 2017-18~~ *the current fiscal year*, the Department of
33 Employment and Workforce shall submit a report that demonstrates how funds were expended in the prior fiscal year to provide
34 marketable work skills training. The report shall include, but not be limited to the total number of local training recipients, a
35 description of the training area in which each recipient participated, and the number and percentage of participants in each training
36 area that, upon completion of training, have become employed in the field in which they were trained. The report shall be

1 submitted to the Chairman of the Senate Finance Committee, the Chairman of the Senate Labor, Commerce and Industry
2 Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House Labor, Commerce and
3 Industry Committee on or before November sixteenth.

4 (B) Also, the report must specifically describe any restructuring or realignment of agency functions, and any changes in staffing
5 levels or service. The report must detail information on employees terminated, hired, re-hired, reassigned, or reclassified by
6 program area and location. Further, the report must describe efforts made by the agency to reassign or retrain employees who were
7 terminated for positions for which the department hired new employees.

8 **117.94.** (GP: Victims Assistance Transfer) The Department of Corrections shall transfer \$20,500 each month to the
9 ~~Department of Public Safety~~ Office of the Attorney General for distribution through the State Victims Assistance Program.

10 **117.95.** (GP: DOC & PPP Potential Consolidation Plan) From the funds appropriated to the Department of Corrections and the
11 Department of Probation, Parole and Pardon Services, the directors of the departments may collaborate and develop a plan to
12 consolidate the functions of the departments.

13 **117.96.** (GP: USC Greenville Medical School) It is the intent of the General Assembly that during the current fiscal year, no
14 general funds shall be appropriated for the new medical school at the University of South Carolina in Greenville. In addition, no
15 state funds may be transferred from state earmarked or restricted funds held by the University of South Carolina to the medical
16 school except for grants, contributions, contractual payments, and tuition and required fees for students attending the new medical
17 school at the University of South Carolina in Greenville that are specifically designated for the medical school at the University of
18 South Carolina in Greenville.

19 **117.97.** (GP: BabyNet Quarterly Reports) ~~First Steps to School Readiness, the~~ The School for the Deaf and Blind, the
20 Department of Disabilities and Special Needs, the Department of Health and Human Services, the Department of Mental Health
21 and the Department of Social Services shall each provide on a common template ~~developed by the agencies~~, a quarterly report to
22 the Chairman of the House Ways and Means Committee and the Chairman of Senate Finance outlining all programs provided by
23 them for BabyNet; all federal funds received and expended on BabyNet and all state funds expended on BabyNet. Each entity and
24 agency shall report on its share of the state's ongoing maintenance of effort as defined by the US Department of Education under
25 IDEA Part C.

26 **117.98.** (GP: Single Audit Schedule of Federal Expenditures) To ensure timely completion of the of the Statewide Single
27 Audit, state agencies which do not receive a separate audit of federal expenditures, must submit to the Office of the State Auditor a
28 schedule of federal program expenditures in a format prescribed by the Office of the State Auditor, no later than August fifteenth
29 of each year.

30 **117.99.** (GP: Prohibits Local Government Fund Public Funded Lobbyists) All local governmental entities including, but not
31 limited to, counties, municipalities, and associations are prohibited from using taxpayer funds received from the Local Government
32 Fund to compensate employees for lobbying activities engaged in on behalf of such governmental entity.

33 **117.100.** (GP: School Construction Development Impact Fee Assessment Prohibition) Governmental entities are prohibited
34 from assessing South Carolina Development Impact Fees on the construction of new elementary, middle, or secondary schools. If
35 a governmental entity violates this prohibition it shall have its Aid to Subdivisions Allocation reduced by the amount of the impact
36 fee.

1 **117.101.** (GP: Prohibit Use of State Aircraft for Athletic Recruitment) Institutions of higher learning may use the state aircraft
2 operated by the Division of Aeronautics for the purpose of athletic recruiting, provided that they reimburse the Division of
3 Aeronautics for all flight hours on an at cost basis, using non-general funds.

4 To ensure availability of the aircraft for purposes of economic development, the Department of Commerce shall have first right
5 of refusal in the event of scheduling conflicts with athletic recruiting flights.

6 **117.102.** (GP: Recreational Activities) Two counties that receive an allocation from the Local Government Fund may enter into
7 a Memorandum of Understanding in order to provide recreational activities and projects that benefit the citizens of both counties.

8 **117.103.** (GP: Technology and Remediation) The funds appropriated to the Department of Administration for the Division of
9 Information Security shall be used to develop and implement a statewide information security program. A portion of the
10 nonrecurring funds may be used for enterprise technology and remediation, and distributed to state agencies to address the State's
11 most serious information security vulnerabilities as determined by the Division of Information Security and the Division of
12 Technology Operations. Funds appropriated for Enterprise Technology and Remediation shall be excluded from the Department of
13 Administration's base budget calculation of any across-the-board agency base reduction mandated by the Executive Budget Office
14 or the General Assembly. Unexpended Enterprise Technology and Remediation funds may be carried forward from the prior fiscal
15 year and used for the same purpose.

16 **117.104.** (GP: Donation of Alcoholic Liquors) In the current fiscal year, a wholesaler may donate beer, wine, and alcoholic
17 liquors to a nonprofit organization that has a license, including a temporary license, to serve the applicable beverage. This
18 provision only applies if the event hosted by the nonprofit organization creates an economic impact on State revenues.

19 **117.105.** (GP: Data Breach Notification) (A) An agency of this State owning or licensing computerized data or other data that
20 includes personal identifying information shall disclose any breach of the security of the system following discovery or notification
21 of the breach in the security of the data to any resident of this State whose personal identifying information was, or is reasonably
22 believed to have been, acquired by an unauthorized person. In determining whether information has been acquired, or is
23 reasonably believed to have been acquired, by an unauthorized person or a person without valid authorization, the agency may
24 consider the following factors, among others:

25 (1) indications that the information is in the physical possession and control of an unauthorized person, such as a lost or
26 stolen computer or other device containing information;

27 (2) indications that the information has been viewed, downloaded, or copied; or

28 (3) indications that the information was used by an unauthorized person, such as fraudulent accounts opened or
29 instances of reported identity theft.

30 (B) An agency maintaining computerized data or other data that includes personal identifying information that the agency does
31 not own shall notify the owner or licensee of the information of a breach of the security of the data immediately following
32 discovery, if the personal identifying information was, or is reasonably believed to have been, acquired by an unauthorized person.

33 (C) The disclosure requirements of subsections (A) and (B) must be made in the most expedient time possible and without
34 unreasonable delay; however, the notification required by this section may be delayed if a law enforcement agency determines that
35 the notification impedes a criminal investigation and must be made after the law enforcement agency determines that it no longer
36 compromises the investigation. A delay in notification shall not exceed seventy-two hours after discovery, unless the agency

1 requests and the attorney general grants, in writing, additional delays of up to seventy-two hours each upon a determination that
2 such notification impedes a criminal investigation.

3 (D) For purposes of this section:

4 (1) "Agency" means any agency, department, board, commission, committee, or institution of higher learning of the
5 State or a political subdivision of it.

6 (2) "Breach of the security of the system" means unauthorized access to and acquisition of computerized data that was
7 not rendered unusable through encryption, redaction, or other methods that compromise the security, confidentiality, or integrity of
8 personal identifying information maintained by the agency, when illegal use of the information has occurred or is reasonably likely
9 to occur or use of the information creates a material risk of harm to the consumer. Good faith acquisition of personal identifying
10 information by an employee or agent of the agency for the purposes of the agency is not a breach of the security of the system if
11 the personal identifying information is not used or subject to further unauthorized disclosure.

12 (3) "Consumer reporting agency" means any person which, for monetary fees, dues, or on a cooperative nonprofit basis,
13 regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information
14 on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate
15 commerce for the purpose of preparing or furnishing consumer reports. A list of consumer reporting agencies shall be compiled by
16 the Department of Consumer Affairs and furnished upon request to the agency required to make a notification under this section.

17 (4) "Personal identifying information" means the first name or first initial and last name in combination with and linked
18 to any one or more of the following data elements that relate to a resident of this State, when the data elements are neither
19 encrypted nor redacted or when the data elements are encrypted with an encryption key and the encryption key that has also been
20 acquired:

21 (a) social security number;

22 (b) driver's license number or state identification card number issued instead of a driver's license;

23 (c) financial account number, or credit card or debit card number in combination with any required security
24 code, access code, or password that would permit access to a resident's financial account; or

25 (d) other numbers or information which may be used to access a person's financial accounts or numbers or
26 information issued by a governmental or regulatory entity that uniquely will identify an individual.

27 The term does not include information that is lawfully obtained from publicly available information, or from federal, state, or
28 local government records lawfully made available to the general public.

29 (E) The notice required by this section may be provided by:

30 (1) written notice;

31 (2) electronic notice, if the agency's primary method of communication with the individual is by electronic means, the
32 person to whom notice is required has expressly consented to receiving said notice in electronic form, or is consistent with the
33 provisions regarding electronic records and signatures set forth in Section 7001 of Title 15 USC and Chapter 6, Title 26 of the 1976
34 Code;

35 (3) telephonic notice; or

(4) substitute notice, if the agency demonstrates that the cost of providing notice exceeds two hundred fifty thousand dollars or that the affected class of subject persons to be notified exceeds five hundred thousand or the agency has insufficient contact information. Substitute notice consists of:

- (a) e-mail notice when the agency has an e-mail address for the subject persons;
- (b) conspicuous posting of the notice on the agency's website page, if the agency maintains one; or
- (c) notification to major statewide media.

Regardless of the method by which notice is provided, such notice shall include contact information for the agency making the notification and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, so acquired.

(F) A resident of this State who is injured by a violation of this section, in addition to and cumulative of all other rights and remedies available at law, may:

- (1) institute a civil action to recover damages;
- (2) seek an injunction to enforce compliance; and
- (3) recover attorney's fees and court costs, if successful.

(G) An agency that knowingly and willfully violates this section is subject to an administrative fine up to one thousand dollars for each resident whose information was accessible by reason of the breach, the amount to be decided by the Department of Consumer Affairs.

(H) If the agency provides notice to more than one thousand persons at one time pursuant to this section, the agency shall notify, without unreasonable delay, the Consumer Protection Division of the Department of Consumer Affairs and all consumer reporting agencies that compile and maintain files on a nationwide basis, as defined in 15 USC Section 1681a(p), of the timing, distribution, and content of the notice.

117.106. (GP: State Ports Authority Property) If the State Ports Authority has not completed the sale of its real property on Daniel Island and Thomas (St. Thomas) Island, except for the dredge disposal cells that are needed in connection with the construction of the North Charleston terminal on the Charleston Naval Complex and for harbor deepening and for channel and berth maintenance, by June 30, 2018, the authority must transfer the property to the Department of Administration. The authority shall sell the real property under terms and conditions it considers most advantageous to the authority and the State of South Carolina.

117.107 (GP: Remittance of Court Fee and Fine Money) County and city treasurers are required to remit to the State Treasurer set percentages of revenues generated by assessments imposed by 14-1-206(A), 14-1-207(A), 14-1-208(A). This remittance is required on a monthly basis by the 15th day of each month.

Should a county and/or city treasurer fail to make the required remittance, the SC Criminal Justice Academy shall cease providing services to all law enforcement officers of all law enforcement agencies encompassed within the political subdivision if they have failed to make remittance for two consecutive months in a fiscal year. The finance director shall certify by July first, under oath, that the county and/or city has remitted all funds or the SC Criminal Justice Academy shall withhold services until such time as remittance is made.

1 **117.108.** (GP: Detailed Expenditure/Revenue Reports PCC/CID) The Prosecution Coordination Commission and the
 2 Commission on Indigent Defense shall provide detailed expenditure reports and associated revenue streams for each individual
 3 circuit, revenue streams shall include, but not be limited to, state funds, local funds, Federal funds, and also nongovernmental
 4 sources of funds, by no later than September first, on the prior fiscal year, to the appropriate commission. The commissions shall
 5 than provide the Chairman of the House Ways and Means Committee and Chairman of the Senate Finance Committee with a
 6 combined report by September fifteenth of the current fiscal year.

7 **117.109.** (GP: South Carolina Welcome Centers) The Department of Parks, Recreation and Tourism and the Department of
 8 Transportation shall maintain a Memorandum of Understanding (MOU) that provides that the Department of Parks, Recreation and
 9 Tourism shall control operations of all South Carolina Welcome Centers. The MOU shall include replacement, renovation and
 10 maintenance of the facilities, daily operations, and grounds maintenance and upkeep and shall clearly define responsibility for
 11 additional portions of Welcome Centers to include paving and sidewalks. The Department of Transportation shall transfer to the
 12 Department of Parks, Recreation and Tourism the amount of \$3,563,560 less any state funds appropriated by the General Assembly
 13 for the same purpose. The Department of Parks, Recreation and Tourism assumes responsibility for this amount and the timing of
 14 the transfer of these funds shall be defined as part of the MOU. The funds transferred to the Department of Parks, Recreation and
 15 Tourism shall be placed in a separate and distinct fund and these funds shall be carried forward from the prior fiscal year into the
 16 current fiscal year and be expended for the same purposes.

17 **117.110.** (GP: Continuation of Teen Pregnancy Prevention Project Accountability) Qualifying organizations applying for
 18 General Funds provided as a special item in this act and titled Continuation of Teen Pregnancy Prevention must include in its
 19 application a proposed annual budget and agreement to provide quarterly reports to the grantor state agency detailing the
 20 expenditure of funds and the project's accomplishments which shall include:

21 (1) Financial:

22 (a) Personnel costs, including employer contributions, by position for each of the following areas: administration,
 23 training, and education, as well as for other positions as identified;

24 (b) Operational costs identified in the application;

25 (c) One-time costs over \$500 for such items as supplies;

26 Administration costs may not exceed ten percent of the total project budget. For purposes of this provision, "Administration"
 27 is defined as expenses other than educational.

28 (2) Description of program and curriculum to be used;

29 (3) Description of training;

30 (4) Schedule and brief description of project activities for each quarter;

31 (5) Participation reports on the following:

32 (a) Number of persons who participated;

33 (b) Total number of hours provided;

34 (c) Number of train the trainer events;

35 (d) Other data regarding the activities of the project;

36 (6) Description of the project evaluation to be used;

- 1 (7) Copy of latest completed independent financial audit and agency's response to any audit exceptions;
- 2 (8) Qualifications of project personnel;
- 3 (9) Best Practices to be used; and
- 4 (10) Evidence Based Curriculum.

5 An organization awarded a grant must provide these quarterly reports to the grantor state agency within fifteen days of the end of
6 each quarter. Grantees failing to submit reports with thirty days of the end of each quarter shall have their grant terminated.

7 Unexpended funds for Continuation of Teen Pregnancy Prevention projects under the Department of Social Services or under
8 the Department of Health and Environmental Control shall be carried forward for the purpose of fulfilling the department's
9 contractual agreement.

10 **117.111.** (GP: Charleston & Dorchester County Sound Barriers) From the funds authorized to the Department of
11 Transportation, the department shall take the appropriate measures to allow the counties of Charleston and Dorchester to construct
12 sound barriers in the department's easements along Interstate 26 within the borders of Charleston County and along Dorchester
13 Road within Dorchester County, provided, no funds appropriated or authorized in Part IA to the Department of Transportation, any
14 other section of this act, any Federal Funds, unless otherwise agreed to by the local Metropolitan Planning Organization or Council
15 or Governments for use of a portion of their annual federal allocation, or any Other Funds, shall be used in the construction of the
16 sound barriers, and only local dollars shall be used in the construction of sound barriers. The sound barriers must meet the state
17 and federal noise abatement guidelines and must be constructed to meet any and all state and federal regulations. Consistent with
18 the requirements of Section 57-25-190 (E) of the 1976 Code, or regulations adopted pursuant thereto, including construction by a
19 local government in a state right of way, the owner of a legally erected and maintained billboard shall have the option to relocate
20 such billboard sign to another location as close as practicable to the sign being relocated or adjust the height or angle of the
21 billboard sign to a height or angle that restores the visibility of the billboard sign to the same or comparable visibility as before
22 construction of a sound barrier. Costs for re-location or alteration of a billboard due to sound barrier installation by a local
23 government in a state right of way shall be paid by the local government. The provisions of Section 39-14-10 et seq. of the 1976
24 Code will apply regarding any compensation to be paid by local governments for billboard signs which cannot be relocated or
25 altered.

26 **117.112.** (GP: Information Technology and Information Security Plans) (A) By August first of the current fiscal year, all state
27 agencies must submit an information technology plan and an information security plan to the Department of Administration. State
28 agencies must submit updates to their plans if there are changes following initial submission. Changes that would necessitate an
29 updated plan include, but are not limited to, changes in response to technological advancements, changes in legislation, regulation
30 or compliance requirements, newly identified funding sources, or new issues relating to information technology management or
31 business requirements.

32 The information technology plans required by this section shall be in the form and level of detail required by the department
33 and shall include at least: (1) the information technology objectives of the state agency; (2) an inventory of the state agency's
34 information technology; (3) any performance measures used by the state agency for implementing its information technology
35 objectives; (4) how the state agency's development of information technology coordinates with other governmental entities; (5) the
36 state agency's budget plans for information technology for the coming fiscal year which must include: (a) all fixed, recurring

1 information technology costs, regardless of funding sources; (b) new information technology expenditures for services, hardware
2 upgrades/replacements and software purchases, regardless of funding sources; (c) new information technology projects, regardless
3 of funding sources; and (d) FTE counts, temporary personnel counts, and salary information and position descriptions for all
4 information technology personnel, regardless of funding sources; and (6) the state agency's need for appropriations for information
5 technology.

6 The information security plans required by this section shall be in the form and level of detail required by the division and
7 shall include at least: (1) the information security objectives of the state agency; (2) an inventory of the state agency's information
8 security technology; (3) a profile of the state agency's compliance with security policies established by the division; (4) a profile of
9 the state agency's sensitive data and a description of applicable state and federal privacy requirements; (5) a profile of risk
10 management and other measures taken by the state agency to protect its data from unauthorized access and disclosure; (6) the state
11 agency's budget plans for information security for the coming fiscal year which must include: (a) all fixed, recurring information
12 security technology costs, regardless of funding sources; (b) new information security expenditures for services hardware
13 upgrades/replacements and software purchases, regardless of funding sources; (c) new information security projects, regardless of
14 funding sources; and (d) FTE counts, temporary personnel counts, and salary information and position descriptions for all
15 information security personnel, regardless of funding sources; and (7) the state agency's need for appropriations for information
16 security.

17 (B) The director of the Department of Administration should seek advice from private and public sector resources on the
18 efficient use of information technology and best practices.

19 (C) The Judicial Department, Legislative Department, public institutions of higher learning, technical colleges, political
20 subdivisions and quasi-governmental bodies are specifically exempt from the requirements as provided in this proviso.

21 **117.113.** (GP: SCOIS Transfer) For the current fiscal year, the South Carolina Occupational Information System, its authority
22 and responsibilities, to include the collections of user fees that must be used to operate the program, shall continue to be
23 transferred from the Department of Employment and Workforce to the Department of Education.

24 **117.114.** (GP: Employee Compensation) The amounts appropriated to F300-Statewide Employee Benefits for Employee Pay
25 Increases must be allocated by the Department of Administration, Executive Budget Office to the various state agencies to provide
26 for employee pay increases in accordance with the following plan:

27 (1) With respect to classified and non-judge judicial classified employees, effective on the first pay date that occurs on or
28 after July first of the current fiscal year, the compensation of all classified employees shall be increased by zero percent.

29 (2) With respect to unclassified and non-judge judicial unclassified employees or unclassified executive compensation
30 system employees not elsewhere covered in this act, effective on the first pay date that occurs on or after July first of the current
31 fiscal year the compensation of all unclassified employees shall be increased by zero percent. Any employee subject to the
32 provisions of this paragraph shall not be eligible for compensation increases provided in paragraphs 1, 3, 4, 5, or 6.

33 (3) Effective on the first pay date that occurs on or after July first of the current fiscal year, agency heads not covered by the
34 Agency Head Salary Commission, shall receive an annualized base pay increase of zero percent.

35 (4) With respect to local health care providers compensation increases shall be zero percent effective on the first pay date
36 that occurs on or after July first of the current fiscal year. With respect to Area Agencies on Aging funded by the Lieutenant

1 Governor's Office on Aging, compensation shall be increased by zero percent effective on the first pay date that occurs on or after
2 July first of the current fiscal year. With respect to local councils on aging or local providers of services funded by the Lieutenant
3 Governor's Office on Aging through Area Agencies on Aging, no pay increases will be allowed. School Bus Driver salary and
4 fringe funding to school districts shall be increased by zero percent.

5 (5) Effective on the first pay date that occurs on or after July first of the current fiscal year, the Chief Justice and other
6 judicial officers shall receive an annualized base pay increase of zero percent.

7 (6) Effective on the first pay date that occurs on or after July first of the current fiscal year, county auditors and county
8 treasurers shall receive an annualized base pay increase of zero percent.

9 (7) For Fiscal Year 2016-17, the Executive Budget Office is directed to review Executive Branch agencies to determine
10 whether their budgets warrant an other fund authorization increase due to the zero percent compensation increase for all full-time
11 employees. If so warranted, the Executive Budget Office shall work with the Office of the Comptroller General to increase such
12 authorization for the affected agencies.

13 The Department of Administration shall allocate associated compensation increases for retirement employer contributions based
14 on the retirement rate of the retirement system in which individual employees participate.

15 The Executive Director of the State Fiscal Accountability Authority is authorized to use excess appropriations for the current
16 fiscal year designated for statewide employer contributions for other statewide purposes. At the discretion of the Executive
17 Director of the State Fiscal Accountability Authority, such action may be considered a permanent transfer into the receiving
18 agency's base budget.

19 Funds appropriated in Part IA, F300, Section 106, Statewide Employee Benefits may be carried forward from the prior fiscal
20 year into the current fiscal year.

21 **117.115.** (GP: Child Fatality Review) The agencies specified shall implement the following recommendations contained in the
22 Legislative Audit Council's October 2014 report "A Review of Child Welfare Services at the Department of Social Services":

23 (1) Annually, the Department of Social Services and the State Child Fatality Advisory Committee shall jointly report
24 statistics on child deaths from maltreatment and the number of those with prior Department of Social Services involvement;

25 (2) The Department of Social Services and the State Child Fatality Advisory Committee shall use their child fatality review
26 findings to make recommendations to revise Department of Social Services policy or practice where appropriate;

27 (3) The Department of Social Services shall ensure that it includes child fatality statistics from all relevant sources when
28 reporting to the National Child Abuse and Neglect Data System. These sources shall include, but not be limited to, law
29 enforcement agencies and the Department of Health and Environmental Control;

30 (4) The State Law Enforcement Division and the Department of Health and Environmental Control shall establish a system
31 for cross checking child fatalities in the state to ensure that all fatalities are being properly reported to the State Law Enforcement
32 Division;

33 (5) The State Law Enforcement Division and the State Child Fatality Advisory Committee shall review the training provided
34 to coroners on the reporting of child fatalities to ensure that information is provided on which fatalities are to be reported and what
35 procedure is to be followed for reporting the fatalities;

1 (6) The Department of Public Safety shall report statistics on all child fatalities to the State Child Fatality Advisory
2 Committee; and

3 (7) The State Child Fatality Advisory Committee shall evaluate the feasibility of adopting the Child Death Review Case
4 Reporting System developed by the National Center for the Review and Prevention of Child Deaths and shall submit a report on
5 their findings to the General Assembly by December 1, 2016.

6 Pursuant to Section 63-11-1930 (E) of the 1976 Code, the director of each agency specified in this provision shall ensure that
7 sufficient staff and administrative support is provided to the State Child Fatality Advisory Committee to accomplish the
8 requirements of this provision.

9 **117.116.** (GP: Refugee Resettlement Program) No state funds shall be expended to assist in the United States Refugee
10 Resettlement Program unless the county council of the county where the resettlement is to occur approves the relocation.

11 **117.117.** (GP: First Steps Reauthorization) Act 99 of 1999, the South Carolina First Steps to School Readiness Act, as amended
12 by Act 287 of 2014 is reauthorized for the duration of Fiscal Year ~~2017-18~~ 2018-19.

13 **117.118.** (GP: Family Planning Funds) (A) Notwithstanding any other law, federal family planning funds and state family
14 planning funds shall be awarded to eligible individuals, organizations, or entities applying to be family planning contractors in the
15 following order of descending priority:

16 (1) public entities that provide family planning services, including state, county, and local community health clinics and
17 federally qualified health centers;

18 (2) nonpublic entities that provide comprehensive primary and preventive health services, as described in 42 U.S.C.
19 254b(b)(1)(A), in addition to family planning services; and

20 (3) nonpublic entities that provide family planning services but do not provide comprehensive primary and preventive
21 health services.

22 (B) Family planning funds must be distributed in compliance with federal law to ensure distribution in a manner that does not
23 severely limit or eliminate access to family planning services in any region of the State.

24 (C) Any department, agency, board, commission, office, or other instrumentality of the State that distributes family planning
25 funds shall submit an annual report to the General Assembly listing any family planning contractors that fall under item (A)(3), and
26 the amount of federal or state family planning funds they received. The report shall provide a detailed explanation of how it was
27 determined that there were an insufficient number of eligible individuals, organizations, or entities in items (A)(1) and (A)(2) to
28 prevent a significant reduction in family planning services in each region of the State where (A)(3) contractors are located.

29 **117.119.** (GP: Statewide Strategic Information Technology Plan Implementation) To ensure the uniform implementation of the
30 Statewide Strategic Information Technology Plan developed pursuant to the Restructuring Act of 2014 and designed to improve the
31 State's ability to provide reliable, secure, cost-efficient, and innovative information technology services and infrastructure, state
32 agencies are directed as follows:

33 (1) Agencies shall use the shared services from the Department of Administration, Division of Technology Operations as
34 those services become available and in a sequence to be determined by the division. Agencies shall coordinate with the division to
35 accomplish a strategic transition to the shared services environment. Shared services include, but are not limited to, mainframe
36 services, application hosting, servers, storage, network services, desktop services, and disaster recovery services. The State Chief

1 Information Officer may grant an exception, to be revisited on a periodic basis, if the division determines that it cannot
 2 immediately satisfy the technical or security capabilities required to support the agency in question;

3 (2) With regard to information technology governance, standards, and enterprise architecture, agencies shall comply with the
 4 rules, standards, plans, policies, and directives of the Division of Technology Operations;

5 (3) With regard to information technology governance, standards, and enterprise architecture, agencies shall participate and
 6 comply with decisions determined by the information technology governance advisory groups.

7 (4) With regard to the annual Appropriations Act budget submission, agencies shall submit all information technology
 8 budget requests to the Executive Budget Office and the Division of Technology Operations. The Executive Budget Office and the
 9 Division of Technology Operations shall jointly review the budget requests and recommend for funding consideration only those
 10 proposals that fit into the overall Statewide Strategic Information Technology Plan.

11 (5) With the consultation and approval of the Division of Technology Operations, agencies must create an information
 12 technology plan for purchases that exceed \$50,000 to ensure compliance with the Statewide Strategic Information Technology Plan
 13 and the standards defined by the division.

14 (6) Agencies shall develop a three-year strategic plan for information technology, updated annually, for the Division of
 15 Technology Operations, that shall be approved by the Chief Information Officer, that sets forth: (a) operational and project
 16 priorities; (b) budget summaries; (c) planned projects and procurements; (d) staffing plans; (e) security initiatives; and (f) risks,
 17 issues, and concerns with the agency's information technology.

18 (7) Agencies shall enter information technology costs into the South Carolina Enterprise Information System (SCEIS) as
 19 directed by the Division of Technology Operations and SCEIS.

20 The Department of Administration shall provide a report to the Chairman of the Senate Finance Committee and the Chairman of
 21 the House Ways and Means Committee regarding agency compliance no later than December thirty-first of each calendar year.

22 The Legislative Branch, the Judicial Branch, public institutions of higher learning, technical colleges, political subdivisions and
 23 quasi-governmental bodies are specifically exempt from the requirements as provided in this provision.

24 ~~117.120. (GP: County Transportation Committee Road Program Supplement) Unexpended funds appropriated pursuant to this~~
 25 ~~provision may be carried forward and expended for the same purposes.~~

26 **117.121.** (GP: Sentencing Reform Oversight Committee Reauthorization) There is established for the current fiscal year the
 27 South Carolina Sentencing Reform Oversight Committee. The oversight committee shall be composed of eleven members, two of
 28 whom shall be members of the Senate, both appointed by the Chair of the Senate Judiciary Committee and one being the Chair of
 29 the Senate Judiciary Committee or his designee; two of whom shall be members of the Senate, one appointed by the President Pro
 30 Tempore of the Senate and one appointed by the Chairman of the Senate Finance Committee; two of whom shall be members of
 31 the House of Representatives, both appointed by the Chair of the House Judiciary Committee and one being the Chair of the House
 32 Judiciary Committee or his designee; two of whom shall be members of the House of Representatives, one appointed by the
 33 Speaker of the House and one appointed by the Chairman of the House Ways and Means Committee; one of whom shall be
 34 appointed by the Chair of the Senate Judiciary Committee from the general public at large; one of whom shall be appointed by the
 35 Chair of the House Judiciary Committee from the general public at large; and one of whom shall be appointed by the Governor.
 36 Provided, however, that in making appointments to the oversight committee, race, gender, and other demographic factors should be

1 considered to assure nondiscrimination, inclusion, and representation to the greatest extent of all segments of the population of the
2 State. The members of the general public appointed by the chairs of the House and Senate Judiciary Committees must be
3 representative of all citizens of this State and must not be members of the General Assembly.

4 The oversight committee must meet as soon as practicable after appointment and organize itself by electing one of its members
5 as chair and such other officers as the oversight committee may consider necessary. Thereafter, the oversight committee must meet
6 at the call of the chair or by a majority of the members. A quorum consists of seven members.

7 The oversight committee shall have the following powers and duties:

8 (1) to review the implementation of the recommendations made in the Sentencing Reform Commission report of February
9 2010, including, but not limited to:

10 (a) the plan required from the Department of Probation, Parole and Pardon Services on the parole board training and
11 other goals identified in Section 24-21-10;

12 (b) the report from the Department of Probation, Parole and Pardon Services on its goals and the development of
13 assessment tools consistent with evidence-based practices;

14 (c) the report from the Office of Pretrial Intervention Coordinator in the Commission on Prosecution Coordination on
15 diversion programs required by the provisions of Article 11, Chapter 22, Title 17; and

16 (d) the report from the Department of Probation, Parole and Pardon Services on:

17 (i) the number and percentage of individuals placed on administrative sanctions and the number and percentage of
18 individuals who have earned compliance credits; and

19 (ii) the number and percentage of probationers and parolees whose supervision has been revoked for violations of
20 conditions or for convictions of new offenses;

21 (2) to request data similar to the information contained in the report required by Section 17-22-1120 from private
22 organizations for which programs are operated through a court and that divert individuals from prosecution, incarceration, or
23 confinement, such as diversion from incarceration for failure to pay child support, and for which programs are sanctioned by,
24 coordinated with, or funded by federal, state, or local governmental agencies;

25 (3) (a) to calculate:

26 (i) any state expenditures that have been avoided by reductions in the revocation rate as calculated by the Department
27 of Probation, Parole and Pardon Services and reported under Sections 24-21-450 and 24-21-680; and

28 (ii) any state expenditures that have been avoided by reductions in the new felony offense conviction rate as
29 calculated by the Department of Probation, Parole and Pardon Services and reported under Sections 24-21-450 and 24-21-680;

30 (b) to develop rules and regulations for calculating the savings in item (3)(a), which shall account at a minimum for the
31 variable costs averted, such as food and medical expenses, and also to consider fixed expenditures that are avoided if larger
32 numbers of potential inmates are avoided;

33 (c) on or before December first, to report the calculations made pursuant to item (3)(a) to the President of the Senate,
34 the Speaker of the House of Representatives, the Chief Justice of the South Carolina Supreme Court, and the Governor. The report
35 also shall recommend whether or not to appropriate up to thirty-five percent of any state expenditures that are avoided as calculated
36 in item (3)(a) to the Department of Probation, Parole and Pardon Services;

1 (i)with respect to the recommended appropriations in item (c), none of the calculated savings shall be recommended
2 for appropriation for that fiscal year if there is an increase in the percentage of individuals supervised by the Department of
3 Probation, Parole and Pardon Services who are convicted of a new felony offense as calculated in subitem (3)(a)(ii);

4 (d) any funds appropriated during this fiscal year pursuant to the recommendations in item (c) shall be used to
5 supplement, not replace, any other state appropriations to the Department of Probation, Parole and Pardon Services;

6 (e) funds received through appropriations pursuant to this item shall be used by the Department of Probation, Parole and
7 Pardon Services for the following purposes:

8 (i)implementation of evidence-based practices;

9 (ii) increasing the availability of risk reduction programs and interventions, including substance abuse treatment
10 programs, for supervised individuals; or

11 (iii) grants to nonprofit victim services organizations to partner with the Department of Probation, Parole and
12 Pardon Services and courts to assist victims and increase the amount of restitution collected from offenders;

13 (4) to submit to the General Assembly, on an annual basis, the oversight committee's evaluation of the implementation of the
14 recommendations of the Sentencing Reform Commission report of February 2010;

15 (5) to make reports and recommendations to the General Assembly on matters relating to the powers and duties set forth in
16 this section, including recommendations on transfers of funding based on the success or failure of implementation of the
17 recommendations; and

18 (6) to undertake such additional studies or evaluations as the oversight committee considers necessary to provide sentencing
19 reform information and analysis.

20 The oversight committee members are entitled to such mileage, subsistence, and per diem as authorized by law for members of
21 boards, committees, and commissions while in the performance of the duties for which appointed. These expenses shall be paid
22 from the general fund of the State on warrants duly signed by the chair of the oversight committee and payable by the authorities
23 from which a member is appointed.

24 The oversight committee is encouraged to apply for and may expend grants, gifts, or federal funds it receives from other sources
25 to carry out its duties and responsibilities.

26 The oversight committee must use clerical and professional employees of the General Assembly for its staff, who must be made
27 available to the oversight committee.

28 The oversight committee may employ or retain other professional staff, upon the determination of the necessity for other staff by
29 the oversight committee.

30 The oversight committee may employ consultants to assist in the evaluations and, when necessary, the implementation of the
31 recommendations of the Sentencing Reform Commission report of February 2010.

32 **117.122.** (GP: State Employee Leave Donation) In the event of a medical emergency, a state employee may make a written
33 request to the employing agency that a specified number of hours of his accrued annual and/or sick leave be transferred from his
34 annual and/or sick leave account to a specific leave recipient rather than to a leave pool account, subject to the approval of the
35 agency director. An employee with less than fifteen days in his sick leave account may not transfer any sick leave to the recipient,
36 and an employee with more than fifteen days in his sick leave account may transfer sick leave to the recipient if he retains a

1 minimum of fifteen days in his own sick leave account. Once leave of an employee has been transferred to the recipient, it may not
2 be restored or returned to the leave donor. For purposes of this provision, a medical emergency is defined under IRS Revenue
3 Ruling 90-29 as a medical condition of the employee or a family member that will require the prolonged absence of the employee
4 from duty and will result in a substantial loss of income to the employee because the employee will have exhausted all paid leave
5 available apart from the leave-sharing plan.

6 **117.123.** (GP: State Engineer) The State Engineer is an office located within the State Fiscal Accountability Authority, all
7 references to the contrary notwithstanding.

8 **117.124.** (GP: Retail Facilities Revitalization Act Repeal Suspension) The repeal of Chapter 34 of Title 6 of the 1976 Code as
9 specified in Act 285 of 2006 as to sites for which written notification of election of mode of credit has been provided to the
10 Department of Revenue prior to July 1, 2016 and for which a building permit has been issued prior to July 1, 2016, is suspended
11 for Fiscal Year ~~2017-18~~ 2018-19.

12 ~~—117.125. (GP: Pittman Robertson Funds State Match) From the funds authorized for the South Carolina Conservation Bank and~~
13 ~~upon receipt of an application pursuant to Section 48-59-70 of the 1976 Code, the Conservation Bank Board must award a grant of~~
14 ~~\$2,000,000 to the Department of Natural Resources to be used as the state match for Pittman Robertson Wildlife Restoration~~
15 ~~Funds.~~

16 ~~—117.126. (GP: North American Wetlands Conservation Act State Match) From the funds authorized for the South Carolina~~
17 ~~Conservation Bank and upon receipt of an application pursuant to Section 48-59-70 of the 1976 Code, the Conservation Bank~~
18 ~~Board must award a grant of \$1,000,000 to the Department of Natural Resources to be used as the state match for the North~~
19 ~~American Conservation Act or other eligible purposes as described in the application.~~

20 ~~—117.127. (GP: DOT Structural Efficiencies Study) From the funds appropriated to and/or authorized for the Department of~~
21 ~~Transportation, the Inspector General, in collaboration with the Secretary of Transportation, is directed to conduct a national search~~
22 ~~to contract with a renowned firm that specializes in governmental structural efficiencies. The firm shall be tasked with studying~~
23 ~~the internal structure of the Department of Transportation, and making recommendations on improvements that would cause the~~
24 ~~department to operate more effectively and more cost efficiently. The Department of Transportation and any entity contracting~~
25 ~~with the department or the Office of Inspector General must fully cooperate with the firm in the discharge of its duties and~~
26 ~~responsibilities and must timely produce all requested information, including, but not limited to books, papers, correspondence,~~
27 ~~memoranda, and other records necessary in connection with an independent study. Final cost of the contractual arrangement with~~
28 ~~the chosen firm must be reported to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and~~
29 ~~Means Committee. The study and recommendations must be transmitted to the General Assembly.~~

30 **117.128.** (GP: Funds Exempt from Budget Reduction Calculations) The funds designated in F310, Section 107, Capital and
31 General Reserve Funds, funds designated in V040, Section 112, Debt service, funds designated in X220, Section 113, Aid to
32 Subdivisions - State Treasurer for the Local Government Fund, and funds designated in X500, Section 115, Tax Relief Trust Fund
33 shall be excluded from the calculation of any across-the-board base reduction mandated by the Department of Administration,
34 Executive Budget Office or the General Assembly and shall not be subject to any such reduction.

35 **117.129.** (GP: BabyNet) From funds available in the current fiscal year for budgetary analysis and oversight, the Executive
36 Budget Office shall conduct an inventory of all BabyNet-related spending, which shall be submitted to the Governor, the Chairman

1 of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee no later than July 15, ~~2017~~ 2018.
2 All affected agencies shall support the Executive Budget Office in this effort by providing information upon request, so that the
3 first recommendation of the Legislative Audit Council's 2011 report on BabyNet may be implemented.

4 ~~117.130. (GP: Equestrian Center Therapy Program) The Department of Vocational Rehabilitation shall transfer \$500,000 to~~
5 ~~Lander University for the Lander Equestrian Center. These funds shall be used for the operation of the Equestrian Center and to~~
6 ~~create a Herd 2 Human pilot program to provide equine assisted psychotherapy geared towards military members as a method of~~
7 ~~treating post traumatic stress disorder (PTSD) and other similar disorders. These funds shall be used solely for the Equestrian~~
8 ~~Center and shall not be transferred and used for any other purpose.~~

9 **117.131. (GP: South Carolina Telemedicine Network)** From the funds appropriated to the Medical University of South Carolina
10 for the MUSC Hospital Authority for Telemedicine and the funds appropriated and authorized for the Department of Health and
11 Human Services, the agencies must continue the development of the South Carolina Statewide Telemedicine Network. The South
12 Carolina Telehealth Alliance shall submit a proposal to the MUSC Hospital Authority and the Department of Health and Human
13 Services to determine which hospitals, clinics, schools or other entities are best suited for Telemedicine partnerships.

14 (A) The Department of Health and Human Services shall develop or continue a program to leverage the use of teaching
15 hospitals to provide rural physician coverage by expanding the use of Telemedicine, to include new applications such as School
16 Based Telehealth, and Tele-ICU. The department shall also amend its policy related to reimbursement for telemedicine to add Act
17 301 Behavioral Health Centers as a referring site for covered telemedicine services.

18 (B) During the current fiscal year the Department of Health and Human Services shall contract with the MUSC Hospital
19 Authority in the amount of \$9,000,000 to lead the development and operation of a statewide, open access South Carolina
20 Telemedicine Network. The MUSC Hospital Authority shall contract with each Regional Support Hub to ensure funding and
21 support of strategic plans submitted by the Regional Support Hubs and approved by both the MUSC Hospital Authority and the
22 Department of Health and Human Services. Institutions and other entities participating in the network must be afforded the
23 opportunity to meaningfully participate in the development of any annual refining to the initiative's strategic plan. Working with
24 the department, the MUSC Hospital Authority shall collaborate with Palmetto Care Connections to pursue this goal. No less than
25 \$1,000,000 of these funds shall be allocated toward support of Palmetto Care Connections and other hospitals in South Carolina.
26 The MUSC Hospital Authority must provide the department with quarterly reports regarding the funds allocation and progress of
27 telemedicine transformation efforts and networks. These reports must include an itemization of the ultimate recipients of these
28 funds, whether vendors, grantees, specific participating institutions, or the Medical University of South Carolina, and must
29 distinguish between funds allocation to the university as a participating institution as opposed to those retained and used by the
30 university in its capacity as the administering entity for the network.

31 (C) An Advanced Practice Registered Nurse (APRN), as defined in Section 40-33-20(5) of the 1976 Code, working in a
32 telehealth program may provide services pursuant to a written protocol approved by the South Carolina Board of Medical
33 Examiners as required by Sections 40-33-34 and 40-47-195 using electronic communications, information technology, or other
34 means to a patient in another location with or without an intervening practitioner. APRNs practicing telehealth will be held to the
35 same standard of care as in-person medical care. Except as provided herein, this shall not be construed to allow an APRN to
36 perform services beyond the scope of what is authorized by Title 40, Chapter 33 and Title 40, Chapter 47.

1 (D) The MUSC Hospital Authority shall publish a summary report to the Governor and the General Assembly indicating the
2 overall progress of the state's telemedicine transformation by April 1, 2018.

3 **117.132.** (GP: Adult Protective Services Coordination Teams) In order to best coordinate services for the South Carolina
4 vulnerable adult population, the Adult Protective Services Program at the Department of Social Services shall develop county level
5 multi-agency interdisciplinary Adult Protective Services Coordination Teams. These teams must develop and implement strategies
6 to ensure appropriate services are available and provided to vulnerable adults during the investigation and adjudication of the
7 report of alleged abuse, neglect, and exploitation of vulnerable adults.

8 The following agencies are required to participate and/or designate a local entity to serve on the Adult Protective Services
9 Coordination Teams to address abuse and neglect and to prevent or delay institutionalization: Department of Health and Human
10 Services, Department of Disabilities and Special Needs, Department of Mental Health, and with advice and resources from the Lt.
11 Governor's Office on Aging. Participating agencies may expend necessary funds as authorized and/or appropriated in the current
12 fiscal year, to develop the APS Coordination Teams. The teams must give priority for services for assessment of mental and
13 physical conditions, eligibility for services, home and community based services waivers, home health, hospice, targeted case
14 management, Optional State Supplementation & OSCAP, service coordination, Intermediate Care Facilities for Individuals with
15 Intellectual Disabilities (ICF/IID), behavioral health programs such as community mental health programs, inpatients psychiatric
16 services, nursing facility care, and other home and community based services such as home-delivered meals and transportation.

17 The Department of Social Services shall submit a report on the progress of the implementation and any necessary funding
18 requests to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means
19 Committee by January 1, 2018.

20 **117.133.** (GP: Distribution Facility) The State Ports Authority and the Navy Base Intermodal Facility owned by Palmetto
21 Railways, a division of the SC Department of Commerce, shall be considered a distribution facility for the purpose of sales tax
22 exemptions associated with the purchase of equipment and construction materials.

23 **117.134.** (GP: Catastrophic Weather Event) Any improvements made to real property or personal property used as a residence,
24 such as a mobile home or manufactured housing unit, damaged during the catastrophic weather event in October 2015 or Hurricane
25 Matthew of 2016, after the event and before June 30, ~~2018~~ 2019, is not considered an improvement and does not require a
26 re-appraisal. This provision only applies if as a result of the catastrophic weather event, the improvements made to the property
27 were funded by the United States Department of Housing and Urban Development Block Grant - Disaster Recovery program. This
28 provision also applies if, at the discretion of the county and using qualifications determined by the county, the improvements were
29 made with the assistance of a volunteer organization active in disaster, or a similar volunteer organization.

30 (B) During the current fiscal year, the property tax value of an eligible property shall remain the same unless an assessable
31 transfer of interest occurs. No refund is allowed on account of values adjusted as provided in this provision.

32 **117.135.** (GP: Study Committee on Electronic Recording of Custodial Interrogations) From the funds appropriated to and/or
33 authorized for the Judicial Department, Court Administration Program, the department shall establish a study committee to study
34 statewide implementation of electronic recording of custodial interrogations in their entirety. The committee shall review current
35 written policies, practices and equipment in place at state and local law enforcement agencies for electronically recording custodial
36 interrogations; guidelines for a state model policy on electronically recording custodial interrogations in their entirety, including

1 definition of the term custodial interrogations, the crime categories for which custodial interrogations shall be recorded, exigent
 2 circumstances that would exempt an officer from recording an interrogation in its entirety; recommendations for how law
 3 enforcement agencies can obtain or access audiovisual or audio-only equipment to record custodial interrogations, anticipating the
 4 differences in resources available to large and small agencies; and remedies that the court may consider if a custodial interrogation
 5 is not recorded.

6 The study committee shall be comprised of the following:

- 7 (1) Two members of the Senate appointed by the President Pro Tempore of the Senate;
- 8 (2) Two members of the House of Representatives appointed by the Speaker of the House;
- 9 (3) A representative appointed by the Attorney General;
- 10 (4) Chief of the State Law Enforcement Division;
- 11 (5) A representative of the South Carolina Sheriffs' Association;
- 12 (6) A representative from the South Carolina Commission on Prosecution Coordination;
- 13 (7) A representative of the South Carolina Association for Justice;
- 14 (8) A representative of the South Carolina Association of Criminal Defense Lawyers, and
- 15 (9) A representative of the Commission on Indigent Defense.

16 Staff support shall be provided by Court Administration. The committee shall submit a written report of its findings and
 17 recommendations to the House of Representatives, the Senate and the Governor's Office no later than March 1, 2018.

18 ~~117.136. (GP: Indigent Defense Screening Review) The Commission on Indigent Defense and the Judicial Department Court~~
 19 ~~Administration Program shall consult with the Summary Court Judges' Association and Clerks of Court Association on issues~~
 20 ~~regarding the screening of applicants for indigent defense representation. The Commission on Indigent Defense and Court~~
 21 ~~Administration shall make recommendations to the Chairman of the House Ways and Means Committee, the Chairman of the~~
 22 ~~House Judiciary Committee, the Chairman of the Senate Finance Committee, and the Chairman of the Senate Judiciary Committee~~
 23 ~~no later than December 1, 2017 regarding: requirements for applicants to verify their financial status, supporting documentation~~
 24 ~~that should be required of all applicants; who should conduct the screening, what resources are necessary to properly screen~~
 25 ~~applicants and any other recommendations that will assist in ensuring only those applicants that are truly indigent qualify for the~~
 26 ~~services of a public defender or other appointed counsel.~~

27 **117.137. (GP: Prohibited Funding for Aborted Fetus Research)** Notwithstanding any other provision of this act, general funds
 28 appropriated in this act may not be used to purchase fetal tissue obtained from an abortion to perform scientific or laboratory
 29 research or other kinds of investigation conducted on fetal tissue.

30 ***117.138. (GP: Governance Summit)** *In the current fiscal year and from the funds appropriated to each state-supported*
 31 *comprehensive and research institution of higher learning, the chairman of each institution's Board of Trustees, or their*
 32 *designees, shall jointly convene a summit for the sole purpose of facilitating an exchange of ideas, including best-practices,*
 33 *which are designed to encourage increasingly diversified and qualified membership among these boards over time. The summit*
 34 *shall convene as soon as practicable after July 1, 2017. In lieu of printed copies, findings and recommendations from the*
 35 *summit must be forwarded electronically to both the General Assembly's Joint Legislative Committee to Screen Candidates for*
 36 *College and University Boards of Trustees established pursuant to Section 2-20-10 of the 1976 Code and the Commission on*

1 *Higher Education no later than January 1, 2018. In addition, each state-supported institution of higher learning shall provide*
 2 *the members of the General Assembly a copy of its audited financial statement no later than seven days following its submission*
 3 *of the same to the state Office of Comptroller General as required by law. Furthermore, on a conspicuous place on its website,*
 4 *each state-supported institution of higher learning shall post a full copy of its audited financial statement, along with a detailed*
 5 *description of the institution's external and internal budget development processes, to include the manner in which the*
 6 *institution monitors variance, if any, between budgeted income and expense versus actual income and expense during the fiscal*
 7 *year as well as what processes the institution utilizes to develop, oversee and evaluate the budgetary performance of each of the*
 8 *institution's designated budgetary units during the fiscal year. A link to a copy of the contents of the website posting must be*
 9 *provided to the Chairman of the Senate Finance Committee, the Chairman of the Senate Education Committee, the Chairman*
 10 *of the House Ways and Means Committee, and the Chairman of the House Education and Public Works Committee.*

11 **117.139.** (GP: SCRS & PORS Contribution Rates) If the employer contribution rates for the South Carolina Retirement System
 12 (SCRS) and the Police Officers' Retirement System (PORS) increase by more than one percentage point for Fiscal Year 2017-18,
 13 the funds appropriated to the Public Employee Benefit Authority (PEBA) for the South Carolina Retirement System Trust Fund
 14 and the Police Officers' Retirement System Trust Fund in Part IA, Section 108 of this act shall be credited toward the contributions
 15 due from participating employers in SCRS and PORS for Fiscal Year ~~2017-18~~ 2018-19. In no event shall a participating employer
 16 receive a credit that exceeds the employer contributions due from the employer.

17 **117.140.** (GP: Retirement System Assets and Custodial Banking Relationship Transfer) In order to facilitate the transfer of
 18 custodianship of the assets of the Retirement System to the Public Employee Benefit Authority and governance of the custodial
 19 banking relationship to the Retirement System Investment Commission, all portions of contracts, agreements, and exemptions from
 20 the Consolidated Procurement Code providing for and relating to custodial banking, general banking, accounting, or any other
 21 ancillary services are transferred to, and devolved upon, the Public Employee Benefit Authority and the Retirement System
 22 Investment Commission in accordance with the authority transferred to the respective agency.

23 **117.141.** (GP: Statewide Administrative Services) The Department of Administration (department) may provide to all agencies
 24 consolidated administrative services which, in the opinion of the department, promote cost savings, process integrity and other
 25 efficiencies, and which reduce duplication, overlap and redundancies, or any combination thereof and which provide for
 26 consistency in transactions and processes and advance a statewide approach to agency administration.

27 Agencies shall be required to utilize all consolidated administrative services offered by the department pursuant to this
 28 proviso as the services become available.

29 The department shall provide a report to the Chairman of the Senate Finance Committee and the Chairman of the House
 30 Ways and Means Committee regarding agency utilization of administrative services offered by the department by no later than
 31 December 31, 2019.

32 **117.142.** (GP: Statewide Real Estate Plan Implementation) Pursuant to legislative intent expressed in proviso 118.2 of this Act
 33 to establish a comprehensive central real property and facility management process; to provide for the needs of state government
 34 agencies; and to achieve maximum efficiency and economy in the use of state-owned, state-leased, and commercial leased
 35 facilities, all state agencies are directed as follows:

(1) In the current occupation of state-owned and commercial facilities or prior to incurring an obligation to expend funds through entering or renewing a lease for state-owned or commercial facilities, state agencies shall work in conjunction with the Department of Administration to achieve uniform space standards in state-owned, state-leased, and commercial leased facilities resulting over time in an overall target density of 210 square feet per person unless otherwise approved by the department.

(2) Prior to entering or renewing any contract for leasing real property, state agencies shall comply with the Department of Administration's site selection criteria for state-owned, state-leased, or commercial leased space.

(3) State agencies shall record into the South Carolina Enterprise Information System (SCEIS) all maintenance and operations expenditures for state-owned and state-leased facilities in the manner prescribed by the Department of Administration.

(4) State agencies shall provide the Department of Administration a list of all contracts related to facilities management, maintenance, and support, and shall not renew or enter into any new contracts related to facilities management, maintenance or support without prior approval by the Department of Administration.

(5) Under guidance and direction of the Department of Administration, state agencies shall annually report on and submit plans to address ongoing and deferred maintenance for all state-owned real property.

(6) State agencies shall annually update and submit an inventory of state-owned facilities and land to the Department of Administration by June 30 of each fiscal year in the manner prescribed by the department. Each submission shall include a portfolio assessment with recommendations for any dispositions.

The Legislative Branch, the Judicial Branch, public institutions of higher education, technical colleges, political subdivisions, and quasi-governmental bodies are generally exempt from the requirements of this proviso; provided, however, that public institutions of higher education and technical colleges shall be subject to the provisions of paragraph (6) in its entirety, and the provisions of paragraph (1) with respect to any facility or portion thereof used for administrative and office space.

The Department of Administration shall provide a report to the Chairman of the Senate Finance Committee and the House Ways and Means Committee regarding compliance with this proviso no later than December 31 of each calendar year, beginning December 31, 2019.

117.143. (GP: Statewide South Carolina Enterprise Information System (SCEIS) Data Entry Compliance) From the amounts appropriated herein for personal services and other operating expenses as appropriate, the Department of Administration shall develop and issue written SCEIS data entry standards and guidelines for agency compliance. To ensure uniform compliance with standards and guidelines set forth by the Department of Administration, state agencies shall comply with all rules, standards, plans, policies, directives, and guidelines from the Department of Administration as related to data entry into SCEIS.

The Department of Administration shall provide a report to the Chairman of the Senate Finance Committee and the House Ways and Means Committee regarding agency compliance no later than December 31 of each calendar year.

SECTION 118 - X910 - STATEWIDE REVENUE

118.1. (SR: Year End Cutoff) Unless specifically authorized herein, the appropriations provided in Part IA of this act as ordinary expenses of the State Government shall lapse on July 31, ~~2018~~ 2019. State agencies are required to submit all current fiscal year input documents and all electronic workflow for accounts payable transactions to the Office of Comptroller General by

1 July ~~13, 2018~~ 12, 2019. Appropriations for Permanent Improvements, now outstanding or hereafter provided, shall lapse at the end
2 of the second fiscal year in which such appropriations were provided, unless definite commitments shall have been made, with the
3 approval of the State Fiscal Accountability Authority and Joint Bond Review Committee, toward the accomplishment of the
4 purposes for which the appropriations were provided. Appropriations for other specific purposes aside from ordinary operating
5 expenses, now outstanding or hereafter provided, shall lapse at the end of the second fiscal year in which such appropriations were
6 provided, unless definite commitments shall have been made, with the approval of the State Fiscal Accountability Authority,
7 toward the accomplishment of the purposes for which the appropriations were provided.

8 **118.2.** (SR: Titling of Real Property) It is the intent of the General Assembly to establish a comprehensive central property and
9 office facility management process to plan for the needs of state government agencies and to achieve maximum efficiency and
10 economy in the use of state owned or state leased real properties. The Department of Administration is directed to identify all state
11 owned properties whether titled in the name of the state or an agency or department, and all agencies and departments of state
12 government are upon request to provide the department all documents related to the title and acquisition of the real properties that
13 are occupied or used by the agency or titled in the name of the agency. Except for any properties where the department determines
14 title should not be in the name of the State because the properties are subject to reverter clauses or other restraints on the property,
15 or where the department determines the state would be best served by not receiving title, and with the exception of properties,
16 highways and roadways owned by the Department of Transportation, title of any property held by or acquired by a state agency or
17 department shall be titled in the name of the state under the control of the Department of Administration. Titling in the name of the
18 state shall not affect the operation or use of real property by an agency.

19 This provision applies to all state agencies and departments except: institutions of higher learning; the Public Service Authority;
20 the Ports Authority; the South Carolina Division of Public Railways; the MUSC Hospital Authority; the Myrtle Beach Air Force
21 Redevelopment Authority; the Department of Transportation; the Midlands Technical College Enterprise Campus Authority, the
22 Trident Technical College Enterprise Campus Authority; the Area Commission of Tri-County Technical College; and the
23 Charleston Naval Complex Redevelopment Authority.

24 This provision is comprehensive and supersedes any conflicting provisions concerning title and acquisition and disposition of
25 state owned real property whether in permanent law, temporary law or by provision elsewhere in this act.

26 The Department of Administration is directed to provide to the Department of Education, funds equal to the amount realized
27 from the sale of the Greenville Halton Road Bus Shop property for school bus maintenance shop relocations, construction, and
28 shop equipment.

29 **118.3.** (SR: Contingency Reserve Fund) (A) There is created in the State Treasury a fund separate and distinct from the general
30 fund of the State, the Capital Reserve Fund, and all other funds entitled the Contingency Reserve Fund. All general fund revenues
31 accumulated in a fiscal year in excess of general appropriations and supplemental appropriations must be credited to this fund.
32 Revenues credited to this fund in a fiscal year may be appropriated by the General Assembly. Upon determination by the
33 Comptroller General as to the amount to be deposited in the Contingency Reserve Fund, the Comptroller General shall notify the
34 Board of Economic Advisors and the board shall recognize that amount as surplus funds. Revenues in this fund may be
35 appropriated only for the purposes provided in subsection (B).

1 (B) (1) If the balance in the general reserve fund established pursuant to Section 36, Article III of the Constitution of this State
2 and Section 11-11-310 of the 1976 Code is less than the required balance, there must be appropriated to it all amounts in the
3 Contingency Reserve Fund up to the total necessary to replenish the general reserve fund. This amount does not replace or
4 supplant the minimum replenishment amount otherwise required to be made to the general reserve fund.

5 (2) After the appropriation of amounts required pursuant to item (1) of this subsection, any remaining balance may be
6 appropriated by the General Assembly as it deems appropriate.

7 **118.4.** (SR: Increased Enforced Collections Carry Forward) Unexpended funds appropriated pursuant to Proviso 90.16 in Part
8 IB of Act 291 of 2010 may be carried forward from the prior fiscal year into the current fiscal year and shall be expended for the
9 same purposes.

10 **118.5.** (SR: Health Care Maintenance of Effort Funding) The revenue collected from the fifty cent cigarette surcharge and
11 deposited into the South Carolina Medicaid Reserve Fund and shall be utilized by the Department of Health and Human Services
12 for the Medicaid program. By this provision these funds are deemed to have been received and are available for appropriation.
13 Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the
14 same purposes.

15 **118.6.** (SR: Prohibits Public Funded Lobbyists) All state agencies and institutions are prohibited from using general fund
16 appropriations to compensate employees who engage in lobbying on behalf of the state agency or institution. The State Ethics
17 Commission shall require state agencies and institutions that report lobbying activities to the commission to certify that the
18 lobbying activities were not funded by general fund appropriations.

19 All state agencies and institutions are prohibited from entering into contracts using general fund appropriations to provide
20 lobbying services to the agency or institution.

21 **118.7.** (SR: Admissions Tax) For the current fiscal year, up to one hundred fourteen thousand dollars in admissions tax revenue
22 collected annually from all events held at a NASCAR sanctioned motor speedway or racetrack that hosts at least one race each year
23 featuring the preeminent NASCAR cup series must be rebated to the motorsports entertainment complex facility in the current
24 fiscal year to keep a NASCAR race at the motorsports entertainment complex facility. In addition, any sports facility that hosts at
25 least one preeminent Women's Tennis Association-sanctioned tournament or any sports facility that operates as the home venue for
26 a professional soccer team that participates in the United Soccer Leagues, second division or higher, must be rebated to the facility
27 half of its admissions tax revenue for the fiscal year and used by that facility for marketing the events held at the facility.

28 **118.8.** (SR: Agency Deficit Notice) The Comptroller General or the Executive Budget Office shall (1) provide written notice to
29 each member of the General Assembly when it makes a report concerning an agency, department, or institution that is expending
30 authorized appropriations at a rate which predicts or projects a general fund deficit for the agency, department, or institution, and
31 (2) make monthly progress reports concerning an agency's, department's, or institution's plan to reduce or eliminate the deficit.

32 **118.9.** (SR: Tax Relief Reserve Fund) There is created the Tax Relief Reserve Fund, which shall be separate and distinct from
33 the General Fund. Interest accrued by the fund must remain in the fund. Notwithstanding any other provision of law, on December
34 ~~31, 2017~~ of the current fiscal year, the State Treasurer shall transfer funds identified in this act from the General Fund to the Tax
35 Relief Reserve Fund. These funds may only be used to provide tax relief to businesses and individuals as provided by law. Funds
36 within the Tax Relief Reserve Fund shall be retained and carried forward to be used for the same purpose.

118.10. (SR: Tax Deduction for Consumer Protection Services) (A) In addition to the deductions allowed in Section 12-6-1140 of the 1976 Code, there is allowed a deduction in computing South Carolina taxable income of an individual the actual costs, but not exceeding three hundred dollars for an individual taxpayer, and not exceeding one thousand dollars for a joint return or a return claiming dependents, incurred by a taxpayer in the taxable year to purchase a monthly or annual contract or subscription for identity theft protection and identity theft resolution services. The deduction allowed by this item may not be claimed by an individual if the individual deducted the same actual costs as a business expense or if the taxpayer is enrolled in the identity theft protection and identity theft resolution services offered free of charge by the State of South Carolina. For purposes of this item, 'identity theft protection' means products and services designed to prevent an incident of identify fraud or identity theft or other protect the private of a person' personal identifying information, as defined in Section 16-13-510(D), by precluding a third party from gaining unauthorized acquisition of another's personal identifying information to obtain financial resources or other products, benefits or services; and identity theft resolution services means products and services designed to assist persons whose personal identifying information, as defined by Section 16-13-510(D), was obtained by a third party, whereby minimizing the effects of the identity fraud or identity theft incident and restoring the person's identity to pre-theft status.

(B) The deduction provided in (A) is only allowed for taxpayers that filed a return with the Department of Revenue for any taxable year after 1997 and before 2013, whether by paper or electronic transmission, or any person whose personally identifiable information was contained on the return of another eligible person, including minor dependents.

(C) By March fifteenth of each year, the department shall issue a report to the Governor and the General Assembly detailing the number of taxpayers claiming the deduction allowed by this item in the most recent tax year for which there is an accurate figure, and the total monetary value of the deductions claimed pursuant to this item in that same year.

(D) The department shall prescribe the necessary forms to claim the deduction allowed by this section. The department may require the taxpayer to provide proof of the actual costs and the taxpayer's eligibility.

118.11. (SR: Tobacco Settlement) (A) To the extent funds are available from payments received on behalf of the State by the Tobacco Settlement Revenue Management Authority from the Tobacco Master Settlement Agreement ("MSA") during Fiscal Year 2017-18, the State Treasurer is authorized and directed, after transferring funds sufficient to cover the operating expenses of the Authority, to transfer the remaining funds as follows:

(1) \$1,253,000 to the Attorney General's Office for Diligent Enforcement and Arbitration Litigation; \$450,000 to the State Law Enforcement Division for Diligent Enforcement; and \$325,000 to the Department of Revenue for Diligent Enforcement, all to enforce Chapter 47 of Title 11, the Tobacco Escrow Fund Act; and

(2) The remaining balance shall be transferred to the Department of Health and Human Services for the Medicaid program.

(B) The requirements of Section 11-11-170 of the 1976 Code shall be suspended for ~~Fiscal Year 2017-18~~ the current fiscal year.

118.12. (SR: One Dollar Appropriations) Funds appropriated in the amount of one dollar by this act shall not be disbursed. The Comptroller General shall adjust the affected agency's chart of accounts accordingly, if necessary.

~~**118.13.** (SR: Nonrecurring Revenue) (A) The source of revenue appropriated in subsection (B) is nonrecurring revenue generated from the following sources:~~

- 1 ~~—— (1) \$28,496,108 from Fiscal Year 2016-17 unobligated general fund revenue as certified by the Board of Economic~~
2 ~~Advisors;~~
3 ~~—— (2) \$16,183,789 from the Litigation Recovery Account;~~
4 ~~—— (3) \$4,526,031 from the South Carolina Farm Aid Fund Lapse;~~
5 ~~—— (4) \$7,879,103 from Fiscal Year 2016-17 (X440) Excess Homestead Exemption;~~
6 ~~—— (5) \$13,397,132 from Fiscal Year 2016-17 Debt Service Lapse;~~
7 ~~—— ***(6) \$6,640,817 from Fiscal Year 2016-17 (P400) S.C. Conservation Bank, Subfund 45D7 Carry Forward;** and~~
8 ~~—— (7) \$17,800,000 redirected from Fiscal Year 2016-17 (D100) State Law Enforcement Division Forensic Building. The~~
9 ~~State Law Enforcement Division shall lapse to the General Fund the funds appropriated in Act 284 of 2016 by proviso 118.16, item~~
10 ~~(B)(31)(a) for a Forensic Building.~~
11 ~~—Any restrictions concerning specific utilization of these funds are lifted for the specified fiscal year. The above agency transfers~~
12 ~~shall occur no later than thirty days after the close of the books on Fiscal Year 2016-17 and shall be available for use in Fiscal Year~~
13 ~~2017-18.~~
14 ~~—This revenue is deemed to have occurred and is available for use in Fiscal Year 2017-18 after September 1, 2017, following the~~
15 ~~Comptroller General's close of the state's books on Fiscal Year 2016-17.~~
16 ~~—— (B) The appropriations in this provision are listed in priority order. Item (1) must be funded first and each remaining item must~~
17 ~~be fully funded before any funds are allocated to the next item. Provided, however, that any individual item may be partially~~
18 ~~funded in the order in which it appears to the extent that revenues are available.~~
19 ~~—The State Treasurer shall disburse the following appropriations by September 30, 2017, for the purposes stated:~~
20 ~~—— (1) F310 General and Capital Reserve Funds~~
21 ~~General Reserve Fund Contribution.....\$ 15,532,616~~
22 ~~—— (2) P280 Department of Parks, Recreation and Tourism~~
23 ~~Statewide Coastal Beach Renourishment.....\$ 5,000,000~~
24 ~~—— (2.1) The Department of Parks, Recreation and Tourism shall allocate the funds appropriated in item (2) for Statewide~~
25 ~~Coastal Beach Renourishment to local governments and state agencies for beach renourishment activities to repair damage caused~~
26 ~~by storm activity in 2015 and 2016 and to accelerate routine renourishment activities on beaches damaged by the storms. Local~~
27 ~~governments and state agencies shall make application for renourishment funds on a form and in the manner prescribed by the~~
28 ~~department and funds shall be allocated using a prioritization process developed by the department. The department shall report to~~
29 ~~the Governor, the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee on~~
30 ~~applications received and the process for prioritizing renourishment funding no later than September 1, 2017.~~
31 ~~—— (3) P320 Department of Commerce~~
32 ~~(a) Closing Fund\$ 16,100,000~~
33 ~~(b) LocateSC\$ 8,000,000~~
34 ~~(c) Applied Research Centers\$ 2,000,000~~
35 ~~—— ***(4) J020 - Department of Health and Human Services**~~
36 ~~Medical Contracts\$ 4,900,000~~

1	———— (5) J040 — Department of Health and Environmental Control	
2	———— *<i>(a) Water Quality</i>.....	\$ 3,100,000
3	———— (b) Pinewood Site Leachate Recovery	\$ 1,848,000
4	———— (6) J020 — Department of Health and Human Services	
5	———— Rural Hospital Transformation Plan	\$ 4,000,000
6	———— (6.1) The funds appropriated to the Department of Health and Human Services in item (6) for the Rural Hospital	
7	Transformation Plan may only be utilized for site improvements associated with a hospital transformation plan approved by the	
8	Department of Health and Human Services.	
9	———— *<i>(7) P280 — Department of Parks, Recreation and Tourism</i>	
10	———— (a) <i>Parks, Recreational and Tourism Revitalizations</i>	\$ 6,175,000
11	———— (b) <i>Parks Infrastructure Needs</i>	\$ 4,000,000
12	———— *<i>(8) K050 — Department of Public Safety</i>	
13	———— <i>Local Law Enforcement Grants</i>	\$ 1,450,000
14	———— (9) P240 — Department of Natural Resources	
15	———— Outreach Programs	\$ 400,000
16	———— *<i>(10) R360 — Department of Labor, Licensing and Regulation</i>	
17	———— <i>Grants to Local Fire Districts</i>	\$ 200,000
18	———— (11) P320 — Department of Commerce	
19	———— Military Base Task Force	\$ 500,000
20	———— (12) E240 — Office of Adjutant General	
21	———— SC Military Museum	\$ 660,000
22	———— (13) P320 — Department of Commerce	
23	———— 2015 Flood — Non-CDBG — Disaster Recovery	\$ 250,000
24	———— (14) U300 — Division of Aeronautics	
25	———— (a) Security System	\$ 100,000
26	———— *<i>(b) Airline Recruitment and Retention</i>	\$ 150,000
27	———— (15) D100 — State Law Enforcement Division	
28	———— (a) Counter Terrorism/Arson Equipment	\$ 448,000
29	———— (b) First Responder PTSD Treatment	\$ 500,000
30	———— *<i>(16) P160 — Department of Agriculture</i>	
31	———— <i>Agribusiness Development</i>	\$ 250,000
32	———— (17) P280 — Department of Parks, Recreation and Tourism	
33	———— Hurricane Matthew Revenue Loss	\$ 2,238,206
34	———— (18) P400 — S.C. Conservation Bank	
35	———— Conservation Bank Trust	\$ 5,000,000
36	———— (19) H730 — Department of Vocational Rehabilitation	

1	_____ Lander Equestrian Center PTSD Pilot.....	\$ 200,000
2	_____ *(20) L040 – Department of Social Services	
3	_____ Group Home Transition – Wraparound Services	\$ 500,000
4	_____ (21) H750 School for the Deaf and the Blind	
5	_____ Campus Facility Plan	\$ 150,000
6	_____ *(22) N080 – Department of Probation, Parole and Pardon Services	
7	_____ Offender Education and Reentry Initiative	\$ 50,000
8	_____ (23) R400 Department of Motor Vehicles	
9	_____ (a) Annual Leave Payouts.....	\$ 140,000
10	_____ (b) Disaster Recovery Integration	\$ 500,000
11	_____ (24) A170 Legislative Services	
12	_____ IT Disaster Recovery	\$ 500,000
13	_____ (25) H630 Department of Education	
14	_____ GSAH Core Switch Replacement	\$ 60,000
15	_____ (26) H710 Wil Lou Gray Opportunity School	
16	_____ (a) Underground Utilities.....	\$ 100,000
17	_____ (b) HVAC.....	\$ 80,000
18	_____ (27) E200 Office of the Attorney General	
19	_____ ICAC Equipment, Training, and Operations.....	\$ 150,000
20	_____ (28) E240 Office of Adjutant General	
21	_____ *(a) EMD Hazard Mitigation Planning Grant and Enhanced Emergency Services	\$ 580,000
22	_____ (b) Shaw Airforce Base/City of Sumter Main Gate Refurbishment	\$ 150,000
23	_____ (c) SC State Guard Uniforms	\$ 100,000
24	_____ (29) H870 State Library	
25	_____ Building Maintenance	\$ 90,000
26	_____ (30) R520 State Ethics Commission	
27	_____ (a) Additional Office Space/Rent Increase	\$ 15,000
28	_____ (b) New Administrative Assistants Operating Expenses	\$ 10,000
29	_____ (31) H790 Department of Archives and History	
30	_____ (a) Conservation of South Carolina's Constitutions	\$ 200,000
31	_____ *(b) Charleston Library Society Beaux Arts Building.....	\$ 100,000
32	_____ *(32) P320 – Department of Commerce	
33	_____ IT-ology/Coursepower.....	\$ 300,000
34	_____ (33) E240 Office of Adjutant General	
35	_____ Youth Challenge POST Challenge	\$ 500,000
36	_____ (34) Y140 State Ports Authority	

1	_____ Jasper Ocean Terminal, Channel, and Supporting Infrastructure.....	\$ 1,000,000
2	_____ (35) P280— Department of Parks, Recreation and Tourism	
3	_____ Parks Recreation Development Fund.....	\$ 3,000,000
4	_____ (36) P120— Forestry Commission	
5	_____ Firefighter Safety and Public Protection— Equipment	\$ 1,000,000
6	_____ (37) E240— Office of Adjutant General	
7	_____ 2014 Winter Storm Local Matching Funds.....	\$ 1,677,193
8	_____ (37.1) The funds appropriated to the Office of Adjutant General in item (37) for 2014 Winter Storm Local Matching Funds;	
9	shall be disbursed to eligible counties and municipalities to offset storm cleanup expenses associated with the 2014 Winter Storm	
10	during states of emergency declared by Executive Orders 2014 06 and 2014 11. A county or municipality is eligible for	
11	disbursement if the county or municipality was eligible for reimbursement by the Federal Emergency Management Agency	
12	(FEMA), but was not reimbursed due to local match requirements. The amount reimbursed to each eligible county or municipality	
13	shall not exceed more than thirty three percent of the county or municipality's remaining unreimbursed total non federal aid share	
14	from the 2014 Winter Storm.	
15	_____ (38) E240— Office of Adjutant General	
16	_____ Town of Nichols Loan	\$ 1
17	_____ (39) D100— State Law Enforcement Division	
18	_____ (a)— Forensics Equipment.....	\$ 1
19	_____ (b)— Alcohol Enforcement/Narcotics Equipment.....	\$ 1
20	_____ (40) E280— Election Commission	
21	_____ Refresh of Current Statewide Voting System	\$ 1
22	_____ (C) Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended	
23	for the same purposes.	
24	<u>118.14. (SR: Nonrecurring Revenue) (A) The source of revenue appropriated in subsection (B) is nonrecurring revenue</u>	
25	<u>generated from the following sources:</u>	
26	<u>(1) \$16,567,887 from Fiscal Year 2017-18 Debt Service Lapse; and</u>	
27	<u>(2) \$4,063,276 from the Litigation Recovery Account;</u>	
28	<u>Any restrictions concerning specific utilization of these funds are lifted for the specified fiscal year. The above agency transfers</u>	
29	<u>shall occur no later than thirty days after the close of the books on Fiscal Year 2017-18 and shall be available for use in Fiscal</u>	
30	<u>Year 2018-19.</u>	
31	<u>This revenue is deemed to have occurred and is available for use in Fiscal Year 2018-19 after September 1, 2018, following the</u>	
32	<u>Comptroller General's close of the state's books on Fiscal Year 2018-19.</u>	
33	<u>(B) The appropriations in this provision are listed in priority order. Item (1) must be funded first and each remaining item</u>	
34	<u>must be fully funded before any funds are allocated to the next item. Provided, however, that any individual item may be partially</u>	
35	<u>funded in the order in which it appears to the extent that revenues are available.</u>	
36	<u>The State Treasurer shall disburse the following appropriations by September 30, 2018, for the purposes stated:</u>	

1	<u>(1) H630 – Department of Education</u>	
2	<u>(a) First Steps Local Partnership Data System Purchase.....</u>	\$ 595,000
3	<u>(b) First Steps Local Partnership Financial Management System.....</u>	\$ 250,000
4	<u>(c) SCGSAH Fire Protection Component Upgrade.....</u>	\$ 480,000
5	<u>(d) SCGSAH Core Switch Replacement.....</u>	\$ 65,000
6	<u>(2) H030 – Commission on Higher Education</u>	
7	<u>Technology Upgrades</u>	\$ 150,000
8	<u>(3) H790 – Department of Archives and History</u>	
9	<u>Conservation of South Carolina’s Constitution.....</u>	\$ 200,000
10	<u>(4) H730 – Department of Vocational Rehabilitation</u>	
11	<u>Information Technology/Security – Computer Purchases</u>	\$ 900,000
12	<u>(5) J040 – Department of Health and Environmental Control</u>	
13	<u>(a) Groundwater Quantity Permitting and Planning.....</u>	\$ 106,354
14	<u>(b) Prescription Drug Monitoring Improvements.....</u>	\$ 1,000,000
15	<u>(6) J120 – Department of Mental Health</u>	
16	<u>Community Buildings Deferred Maintenance.....</u>	\$ 1,000,000
17	<u>(7) L040 – Department of Social Services</u>	
18	<u>Economic Services</u>	\$ 1,992,185
19	<u>(8) P160 – Department of Agriculture</u>	
20	<u>Statewide Agribusiness Infrastructure</u>	\$ 2,000,000
21	<u>(9) P240 – Department of Natural Resources</u>	
22	<u>Freshwater Fisheries Hatchery Renovations.....</u>	\$ 2,000,000
23	<u>(10) P280 – Department of Parks, Recreation and Tourism</u>	
24	<u>Lace House Deferred Maintenance.....</u>	\$ 319,000
25	<u>(11) P320 – Department of Commerce</u>	
26	<u>Research/Applied Research Centers</u>	\$ 1,000,000
27	<u>(12) C050 – Administrative Law Court</u>	
28	<u>Court Room Technology Upgrades.....</u>	\$ 80,000
29	<u>(13) D100 – State Law Enforcement Division</u>	
30	<u>(a) Technology Equipment/Software.....</u>	\$ 1,000,000
31	<u>(b) New Forensics Personnel Equipment.....</u>	\$ 400,125
32	<u>(c) New Narcotics Personnel Equipment.....</u>	\$ 276,375
33	<u>(14) N200 – Law Enforcement Training Council</u>	
34	<u>(a) Clothing and Equipment for Expansion of Training</u>	\$ 22,500
35	<u>(b) IT Equipment Required for DIT and CJIS Security.....</u>	\$ 192,000
36	<u>(15) N040 – Department of Corrections</u>	

1	<i>(a) General Maintenance Security and Detention Systems and Equipment</i>	<i>\$ 3,120,000</i>
2	<i>(b) Agency Wide Roofing</i>	<i>\$ 2,500,000</i>
3	<i>(16) U300 – Division of Aeronautics</i>	
4	<i>Airport Facilities Security System Replacement</i>	<i>\$ 100,000</i>
5	<i>(17) E240 – Office of the Adjutant General</i>	
6	<i>Statewide Readiness Centers – Female Latrines (12).....</i>	<i>\$ 225,000</i>
7	<i>(C) Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended</i>	
8	<i>for the same purposes.</i>	

END OF PART IB

All acts or parts of acts inconsistent with any of the provisions of Part IA or Part IB of this act are suspended for Fiscal Year 2018-19.

If any part, section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every part, section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other parts, sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

Except as otherwise specifically provided, this act takes effect July 1, 2018.

PLEASE NOTE

*Text printed in italic, boldface indicates sections vetoed by the Governor on June 12, 2017. At the time of this publication, action on these vetoes was not taken by the General Assembly.